

# Our Church Heritage

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REV. N. L. WALKER, D.D.

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Our church heritage









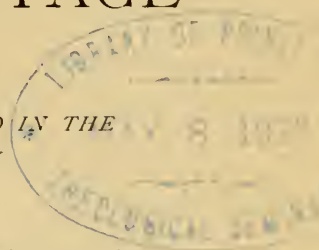
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Don't forget OUR

# CHURCH HERITAGE

OR

THE SCOTTISH CHURCHES VIEWED IN THE  
LIGHT OF THEIR HISTORY



Addressed to the New Generation that has Risen up Since  
the Disruption

BY

REV. NORMAN L. WALKER, D.D.

Author of "*Robert Buchanan, D.D., An Ecclesiastical Biography,*"  
"*Scottish Church History,*"  
&c. &c.

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NEW EDITION

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## Preface.

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I HAVE been asked very often to reprint this little book, but hitherto it did not seem to me that any particular end would be served by its republication. This year—when the Free Church has reached its Jubilee—I have been urged anew to issue it, and have at last consented to do so. It may be of use in enabling our young people to understand the present ecclesiastical situation in Scotland.

The first edition—a very large one—was published anonymously. Now there is no need for keeping back the author's name. A new chapter has been added, bringing, if we may so say, the subject up to date.

NORMAN L. WALKER.

EDINBURGH, *May 1893.*



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# OUR CHURCH HERITAGE.

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## CHAPTER I.

HOW IT HAPPENS THAT THERE ARE SO MANY DENOMINATIONS IN SCOTLAND.



STRANGER from abroad travelling through Scotland at present, and trying to make himself acquainted with the condition of the people, could scarcely fail to take special notice of the number of religious denominations which are to be found among us. The existence of some of these, however, would be easily accounted for if he had any acquaintance with Scottish history. This country, for example, like so many others, was once a Popish country; and not even here was the Reformation so complete as to obliterate all traces of the Church of Rome. Just, then, as in some young wood you may find a rotting tree-stump which proclaims that at some earlier period a now extinct forest occupied the ground, so here and there—at Braemar, and in the Hebrides and elsewhere—there still linger aboriginal

Roman Catholic congregations, reminding us of the state from which some centuries ago we were so happily delivered. These congregations have formed the nucleus of a Scottish Roman Catholic Church ; which, in consequence of the accessions it has received from time to time by the influx of immigrants from Ireland, has grown to dimensions formidable enough to make its influence felt in the government of the country.

Then, again, the time was when Episcopacy was in the ascendant in Scotland—when the Established Church was itself Episcopal in its form of government, and when there were diocesan bishops at Glasgow and St. Andrews, and curates acting as parish ministers in every part of the land. Matters have changed since then, and the transition which took place at the Revolution was accomplished with marvellous completeness ; but it would have been a surprising thing if all had lightly become Presbyterians at the bidding of the King. There were some who then adhered to Prelacy conscientiously ; and as a concurrence of circumstances—such as the residence of the upper classes in England, and the education of their children in the South—has since led to the withdrawal from the “ Kirk ” of the great mass of the aristocracy, the presence in the midst of us of a Scottish Episcopal Church is no less easily explained.

And if, in addition to these, there are to be met with in our great cities little companies of men—Methodists or Plymouthists, for example—who keep aloof from the larger religious communities, either because they are incomers from abroad or because they hold views with which there is no general sympathy, the reason of their

separate existence is so plain on the face of it as hardly to require any explanation.

But the perplexing thing is this, that the whole remaining population is broken up into sections; and as the most of these have the same creed, the same form of government, and the same order of worship, one cannot wonder if even a very intelligent stranger feels bewildered in the presence of such an extraordinary phenomenon. How did these different bodies come into existence? What were the causes which led to the formation of so many separate societies—several of them being so large, so well organized, and so influential? Nobody supposes that they came into being by accident; nobody can believe that anything but very powerful forces could have made them what they are. When a thoughtful man walks along the shore, and sees here that the rocks have been torn asunder, and there a boulder lying among the debris which manifestly belongs to another system, and yonder that the sea margin has been sensibly altered, he at once concludes that volcanoes or earthquakes have been at work. And he argues thus most wisely, because there is no principle in philosophy more self-evident than this, that for all effects there must be adequate causes. On the same principle, an observant stranger travelling through Scotland, and examining its institutions, could not but at once take this for granted, that whatever was the origin of, for example, the Free Church, or the United Presbyterian Church, such bodies, contributing between them, as they do, for religious objects, over £800,000 a year, could have been called into existence and sustained only by

the operation of forces as great as the effects which they have produced.

But what were these forces? It is customary in many quarters to think of them as consisting merely of "the theories about the Church" which certain individual men at certain periods happened to adopt. That, however, is a complete mistake. The United Presbyterian Church did not begin to be because its founders came to hold that there ought to be no connection between Church and State. Nor did the Congregational body take its rise and gain its first successes because those who were responsible for its establishment had seen their way to adopt the principles of Independency. Nor was the Free Church formed in consequence of its first leaders coming suddenly to see that a lay patron ought to have no recognized standing-place within the Temple of God. When we go back upon the springs of all these denominations we find this, that those who were concerned in their formation were simply devoted Christian men, whose only object in moving a step along the line they followed was the revival of spiritual life and the propagation of the gospel, and who were in the end driven to take up the positions they did solely by the adverse currents which they came in providence to encounter. It is a melancholy thing to read the Church History of Scotland in the light of this fact—to see how many of the efforts which were made to reanimate the National Establishment proved worse than abortive; how reformer after reformer was driven forth, baffled and disheartened, from within its pale; and how each in turn—Erskine, Gillespie, Haldane, Chalmers—became



the leader of a new exodus. But, on the other hand, there is something unspeakably satisfactory as well as hopeful in the fact that the various nonconforming\* denominations which now exist among us are not the effects or memorials of mere pets or party heats, or even of philosophical theorizings, but, on the contrary, are outstanding and enduring results of great spiritual awakenings. If this were more constantly borne in mind, it might not reconcile us to the continuance of our divisions, but it would enable us to hold up our faces when the existence of them is cast up to us as a reproach.

\* In using the word "Nonconformists" in the succeeding pages, we wish it to be understood that we do not employ it in its ordinary technical sense, but simply as a convenient term for designating those who do not acquiesce in the conditions on which the Church in Scotland has been established by the State.

## CHAPTER II.

### THE ATTEMPTS MADE TO IMPOSE EPISCOPACY ON THE CHURCH.



IT was during the reign of Queen Mary that John Knox lived and the Reformation from Popery was effected. Mary's successor was her only son James, who, on the death of Elizabeth in 1603, was also called to the throne of England. The Reformed Church of Scotland was from the first cast in the mould of Presbyterianism, and the people never lost their faith in that form of government; but King James soon became convinced that the Scottish idea of the Church as a spiritual kingdom, to be governed freely by its own officers under Christ, was antagonistic to his own pretensions to arbitrary power, and long before he left his native country he professed Episcopacy, and did his best to impose that system upon Scotland. So early as 1596 (not much more than twenty years after the death of Knox) he taught his son Prince Henry that the office of a king is partly civil and partly ecclesiastical; that a principal part of his function consists in ruling the Church; that it belongs to him to judge when

preachers wander from their text; that parity among ministers is irreconcilable with monarchy, and the mother of confusion; and, in short, that Episcopacy should be set up, and the principal Presbyterian ministers banished from the country. It was rather a fortunate thing, on the whole, that the King was led to express himself so frankly in this way, because, in consequence, the key-note of "a free Church in a free State" came to be at once struck in the land loudly and distinctly. And all through the succeeding centuries the words of Andrew Melville were never forgotten: "I must tell you there are TWO KINGS and TWO KINGDOMS in Scotland. There is King James, the head of this Commonwealth, and there is Christ Jesus, the King of the Church, whose subject James the Sixth is, and of whose kingdom he is not a king, nor a lord, nor a head, but a member."

The views which the King had adopted, however, proved the source of sufferings, which were continued for many long years. In England he was ecclesiastically in his element. There he found any number of persons willing to accept his favourite maxim, "No Bishop, no King!" and with the backing of the South to sustain his efforts, he addressed himself patiently and hopefully to the task of reducing the Church of Scotland to the level of the Church of England. Nor was he unsuccessful. There were famous men in those days, who refused to sell their birthright privileges for a mess of pottage. But there were time-servers and latitudinarians enough to be willing to do the King's bidding; and when the most troublesome Presbyterians had been

got out of the way by banishment or imprisonment, a General Assembly of the Kirk (that of 1618) was found willing by a majority to vote its approval of the Prelacy which had been introduced some years before, and of the ritualistic ceremonies which formed a part of the same system.

King James bequeathed his opinions on the subject of arbitrary power and the subjection of the Church as a legacy to his children, and the fatal gift proved in the end the ruin of his dynasty. His son, Charles I., ascended the throne in 1625; and when, a few years later, he paid his first visit to Scotland, he at once let it be known that if his father had chastised the people with whips, he would chastise them with scorpions. In his day the attempt was made to introduce that famous Service-Book by Archbishop Laud with which is connected the story of Jenny Geddes, and the imposition of which, with other things, led to the commencement of the "Fifty Years' Struggle of the Covenanters." That struggle may be said to date from 1638, when the memorable Glasgow Assembly was held, and when the Church rebelled against the bondage in which she was held, and asserted once for all her intrinsic independence. She was not to secure the peaceful possession of her rights, however, without passing through the fires of martyrdom. First, through the later years of the reign of Charles I., whose fanatical devotion to the despotic theories of his father led to his own dethronement and execution in 1649; and next, under the basely ungrateful tyranny of Charles II., who rewarded the Scots for their loyalty to him by the infliction of

cruel persecutions, the Church was taught by bitter experience what it is to want religious liberty; and there was then burned into her heart that passion for freedom which has broken out into a flame again and again at subsequent periods in her history, and the decay of which has always proved a sure token of her own declension.

It was in 1662 that the second grand attempt was made to impose Episcopacy upon Scotland. Previously to that four new Scottish bishops (two of them being Sharp and Leighton) had been consecrated at Westminster; and in order to compel the Presbyterian ministers to conform, a law was issued requiring all who had been settled since 1649 (when lay patronage was abolished under the Commonwealth) to secure a fresh title to their charges by, among other things, getting episcopal sanction to their holding them. A disruption was the consequence. Four hundred of the best men in Scotland refused to assent to the terms offered; and in the depth of winter they were ejected from their homes. When as many ministers and more were driven from their manses in 1643, the thing was bad enough. Provision required to be made suddenly for their maintenance, and there were no churches ready in which they could continue to preach. But in 1662 the case was immensely more hard; for to preach at all was then reckoned a crime, and not a few were compelled to seal their testimony with their blood. The twenty-six succeeding years came in this way to make the saddest and most romantic period in the history of the Church of Scotland; for it was during this time that there occurred a number

of those tragedies the memory of which has sunk the deepest into the popular mind,—the execution, for example, of the Earl of Argyle, the drowning of Margaret Wilson at Wigton, and the murder by Claverhouse of John Brown of Priesthill.

The day of deliverance, however, arrived at last. In 1685 Charles II. was succeeded by his brother, James VII. of Scotland and II. of England, who was an avowed Papist. The growing disgust which the conduct of the Stewarts had awakened throughout the country now reached its climax. There was good reason to fear that under the new King there might be a return of the times of the Bloody Mary. Under the influence of this common apprehension many came together who before had been at feud with one another; and William, Prince of Orange, who had married a daughter of James, was invited to come across from Holland and take the lead in the defence of Protestantism. William accepted the invitation, and landed in England on the 4th of November 1688. James, after a short but ineffectual struggle to maintain his position, fled to France, and William and Mary quietly ascended the vacant throne. The immediate result of the new order of things was a cessation of persecution; but it was not till July 1689 that the first steps were taken formally to reverse the policy of the preceding years. At that time an Act of the Scottish Parliament was passed abolishing Episcopacy. In the spring of 1690 another Act passed rescinding the Act of Supremacy. That was followed by another, restoring to their churches all the surviving ejected ministers, and ordering the removal of the



Prelatic incumbents who were occupying their parishes. And at length, on the 7th of June, came the Confession of Faith and the settlement of the Presbyterian form of Church government. This completed what is known in history by the name of the Revolution Settlement; an arrangement which, in some respects, was most seriously defective, but which perhaps was as satisfactory as could in the circumstances have been fairly expected. In particular, there was one thing in it which proved practically disastrous, but which at the time there seemed no way of evading. This was the receiving, without a very rigid test of the "curates," as they were called, into the Presbyterian ministry. There were at this period about nine hundred parishes in Scotland, and these were occupied by men who had conformed to Prelacy. Of the ejected ministers only about ninety survived. Even after room, therefore, had been made for them, there remained many charges which would have been left unoccupied if the former incumbents had not been employed. That they were ready to change their colours to suit the fashion of the hour, did not say very much for their strength of principle; and that before that they had approved themselves to a Government whose hands were red with the blood of martyrs, was not a point in their history from which very favourable conclusions could be drawn as to their personal piety. But there they were, a body of men who had been trained for the ministry, and who had had more or less experience in it; and it would have been scarcely possible, as things stood, to reconstitute the Presbyterian Establishment without taking them into it if they were will-

ing to submit to its rule. They were incorporated into the Church accordingly; and we shall see how their presence came to complexion its after history.

Before noticing this, however, a word may be said in justification of the position taken up by the Church of Scotland in so pertinaciously opposing the attempts made to bring it into conformity with the Church of England. There now live among us a good many wise men who think that Andrew Melville and Alexander Henderson were very narrow-minded persons, and that the Covenanters made much ado about nothing, and were martyrs by mistake. Among those who have themselves attained to so high an elevation that they can afford to review the proceedings of the times of which we have been speaking with a condescending pity, is the Rev. Dr. Cunningham of Crieff, who, in his "Church History of Scotland," says:—

"It may, without much liberality, be allowed that Christianity would have survived in our country though Presbyterianism had been destroyed. Christianity is not bound up with any form of Church polity. The sternest Presbyterian will at length allow that a bishop may be a Christian man. It was not, therefore, for Christianity, but merely for Presbytery, that our forefathers fought. The religious struggles of our country were entirely about church government and church discipline, and not about the inner truths of our holy faith. It is possible that too great attention to the one may withdraw the mind from the attention which it ought to bestow upon the other. There is some reason to think that this result has been exemplified in Scotland.



Scotchmen certainly talk much more about church matters, than about matters purely spiritual. There is an abundance of ecclesiasticism in our country; there is, perhaps, a deficit of spiritualism."

By such "good words and fair speeches" have "the hearts of the simple been deceived" in all generations. Language like what we have just quoted was probably precisely that which was used by Archbishop Sharp, and with more sincerity by his associate Leighton. A bishop may be a Christian man,—who can doubt it? Questions of church government are in themselves of less importance than "the inner truths of our holy faith,"—nobody can deny it. There is a risk of men becoming ecclesiastical without becoming spiritual,—that, too, is conceded at once. But what are the conclusions which Dr. Cunningham wishes us to draw from these innocent-looking premises? They are such as these: that our forefathers fought for trifles; that the conflicts in which they engaged need never have been waged; that, on the whole, Scotland has suffered rather than gained by them; and that all candid men would have felt a greater pleasure to-day in reading our Church history, if it had been written therein that the great men of the past had risen above their sectarian prejudices, and had become Episcopalianism when their lawful sovereigns wanted them.

We might point to the condition of England at the present hour, as affording a most striking proof of the wisdom of the Scots in resisting the imposition of Prelacy upon them. It has been well said that the English Reformers cast the Papal thief out of the window, but left the ladder standing by which he could return. That

the government and ritual of the Church of England are favourable to the fostering of Romanism, has been abundantly demonstrated; and even were it true that our forefathers fought for nothing more than "Presbytery," their conduct could be most entirely justified. For to their "narrowness" is due the fact, that while many are beginning to doubt whether Rome may not yet come to regain its ascendancy in the South, the principles of the Reformation still keep their hold unshaken on the people of the North.

But when a Church historian says slightingly that the Covenanters contended "merely for Presbytery,"—thereby conveying the impression that the battle of fifty years was only about a point of church government,—he is either trying wilfully to "deceive the hearts of the simple," or he is exhibiting an amount of ignorance which demonstrates his incompetency to perform the task which he has presumed to undertake. For, all through the conflict, this was made clear, that while James and the Charleses were trying to enforce their views upon the Church of Scotland, *they were doing their best to establish the principle that the Church, as such, has no inherent independence or freedom, but must be content to shape itself according to the fashion presented to it by the civil authorities.* There are some people, we know, who have no objection to that principle; but, as a rule, it is odious to Scotchmen, both as citizens and as Presbyterians; and were there nothing else, we feel devoutly grateful to the wise and good men of old, who were willing to die rather than acquiesce in its adoption.

A very much more just and intelligent view of these old times is given by another, who has better apprehended the meaning of our national history. Says Dr. Rainy in his answer to Dean Stanley :—

“The earnestness with which Presbyterianism was maintained was due to something else besides the confidence men had in their theoretical conclusions about church government. Everything that is theoretically good and true has its witness in itself, from which it receives daily confirmation. So it was with Presbyterianism. Presbyterianism meant organized life, regulated distribution of forces, graduated recognition of gifts, freedom to discuss, authority to control, agency to administer. Presbyterianism meant a system by which the convictions and conscience of the Church could constantly be applied by appropriate organs to her affairs. Presbyterianism meant a system by which quickening influence anywhere experienced could be turned into effective force, and transmitted to fortify the whole society. Presbyterianism meant a system in which every one, first of all the common man, had his recognized place, his defined position, his ascertained and guarded privileges, his responsibilities inculcated and enforced,—felt himself a part of the great unity, with a right to care for its welfare and to guard its integrity. From the broad base of the believing people the sap rose through Sessions, Presbyteries, Synods, to the Assembly; and thence descending, diffused knowledge, influence, organic unity through the whole system. Yet Presbyterianism is a system for a free people, that love a regulated, a self-regulating freedom,—a people independent,

yet patient, considerate, trusting much to the processes of discussion and consultation, and more to the promised aid of a much forgiving and a watchful Lord.....Our fathers felt instinctively that the changes thrust upon them threatened to suppress great elements of good,—not mere forms alone, but the life which these forms nourished and expressed. When Episcopacy shall have trained the common people to care, as those of Scotland have cared, for the public interests of Christ's Church, and to connect that care with their own religious life as a part and a fruit of it, then it may afford to smile at the zealous self-defence of Scottish Presbyterianism."

## CHAPTER III.

### WHY THE SECESSIONS BEGAN—THE ORIGIN OF THE UNITED PRESBYTERIAN CHURCH.



WHEN Presbyterianism was reëstablished in Scotland in 1690, the whole of the people—with the exception of a few Cameronians (who afterwards constituted the Reformed Presbyterian Church), those Episcopalians who adhered to Prelacy from conviction, and the Papists—were gathered into one communion. But although the old state of things was thus so far restored, there were elements of disharmony in the reörganized body which did not promise for it an unclouded future. Its ministry, for example, was composed of at least three distinct classes : first, there were four of those who had been breaking the bread of life, during the times of the persecution, to the Hill Folk, or extreme Covenanters ; next, there were ninety of the more moderate Presbyterian ministers, who had either been driven out of their parishes in 1662, or had been ordained (some of them in England and Holland) between that date and the Revolution ; and, lastly, there were the men who had been serving as curates in the Episcopal Establishment, and who were willing to retain their livings by conforming

to Presbyterianism. This last class was the most numerous of the three; and although the other two were strongest in point of capacity and principle, and managed to tell very influentially on the conduct and legislation of the Church at large, yet, as may well be supposed, it was not good for the country, in the long run, that the majority of its ministers came to be composed of men who, many of them, must have been time-servers. In point of fact, they became the founders of the *Moderate Party*,—that party to whose spirit and policy may be ascribed a good many of the misfortunes of the Church of Scotland.

In consequence of the Church being so constituted, three things by-and-by happened: first, the spiritual oversight of not a few parishes was intrusted to men who were not evangelical in their preaching; second, doctrinal errors of various kinds sprang up; and, third, when the liberties of the Church were unwarrantably trenched upon, the resistance offered was fitful and ineffective.

By the terms at once of the Revolution Settlement, and of the Treaty of Union, the Church of Scotland was secured from the burden of lay patronage. But in 1712, only five years after the Treaty of Union had been consummated, the British Parliament rudely traversed the engagements which had been entered into. On the 13th of March in that year, one of the Scottish members suddenly rose in his place in the House of Commons, and asked leave to bring in a Bill for the restoration of patronage. The proposal, for political reasons which it is needless to dwell on here, was received with the



greatest favour. It was pushed through the Lower House with such haste that it was in the Lords before the Church, whose interests it chiefly affected, could offer any formal opposition. And although, when the news of the intended outrage reached Scotland, an influential deputation proceeded to London to remonstrate against the Bill, and was heard respectfully enough at the bar of the House of Lords, yet we all know how little weight those who are most nearly concerned about any matter have with a political party in power, when it suits that party to take a certain course of its own. The Government of the day imagined that the restoration of patronage would add, in various ways, to its strength. The Parliament was obsequious. And so the pleadings of the Scottish deputies were disregarded, and an Act was triumphantly passed, concerning which one may say that it is difficult to tell whether to speak of it most severely or most contemptuously—as a great wrong, or as a piece of short-sighted and blundering statesmanship.

The report of the passing of the Act was received in the North with indignation. Protests against it poured in from all quarters. And the first preachers who accepted presentations, and attempted to secure admission into parishes under the new law, were dealt with as offenders. But it is now clearly seen that the Church ought to have done more than all this. The Act was manifestly illegal. If the Treaty of Union was not a mere piece of waste paper, it was no more in the power of the British Parliament to alter, in the way and at the time it did, the terms of the Church Settlement,

than it was in its power to diminish by a stroke of the pen the number of Scottish Representative Peers in the House of Lords. The Church therefore would have acted in a perfectly constitutional way if it had taken its stand upon its rights, and refused to acquiesce in the new arrangement in any way. There can be little doubt that that would have been the course adopted by John Knox or Alexander Henderson had they been at the helm. But, unfortunately, Principal Carstares, the leading ecclesiastic of the day, was not of the stamp of the old Reformers; and besides, the evil leaven, the origin of which has been already described, had begun to tell. And thus it came about that the change, which at the first was vehemently protested against, was in an incredibly short time quietly submitted to. Within less than twenty years after the reïmposition of lay patronage, the new system was in full operation! The intrusion of unacceptable ministers into parishes against the will of the people became exceedingly common. And what was worse, the leaders of the Church had become enamoured of the law, and were prepared to administer it with rigour. In other words, the Moderate element, which even at the Revolution was the strongest numerically, grew to be distinctly conscious of its strength, and did not hesitate to show and exert it.

But the enforcement of a Moderate policy naturally and necessarily produced a reäction; or, to put the thing in the form which is historically truest, the principle of *life* in the Church began to rebel against the attempts made to smother it. A rising Evangelical party made itself be heard and felt—a party sound in doctrine



amidst the laxity of the time—preaching a free and full gospel in a period which had become accustomed to something very like a hiding of the Cross—and true to the constitutional principles of the Church of Scotland, while many were supporting a policy which was rapidly alienating the best of the Scottish people from the National Establishment. This party embraced such men as Ralph and Ebenezer Erskine; Willison of Dundee, the author of “The Afflicted Man’s Companion;” and Thomas Boston, the author of “The Fourfold State.” When they commenced to lift up their voices in Church Courts and elsewhere, the idea of contributing to the formation of a new religious denomination was not in all their thoughts. They were nothing more essentially than devout men, whose hearts the Spirit of God had touched, and who were moved by him to cry against the corruptions which were weakening their Church, and threatening to bring about its downfall. The suppression of error, the diffusion of evangelical truth, the government of ecclesiastical affairs in such a way as best to further the interests of vital religion everywhere, these were their only objects; and if they had been let alone to do what they had a perfect right and title to do in these connections, they would have proved a tower of strength to the as yet unbroken Church of the Nation.

The Moderates, however, with characteristic blindness, did not understand the time in which they lived, or the spiritual forces with which they were in conflict. All that they saw with any clearness was that they had a sweeping majority of votes on their side. Being thus

satisfied that they had the power, they rode rough-shod over all opposition. They would listen to no remonstrances. They would tolerate no protests against even their most tyrannical acts. "Not only must you do what we order," said they in effect to their Evangelical brethren, "however much the doing of it may go against your consciences, but you must not utter a single word in condemnation of, or objection to, our commands." In short, they did their very best to suppress all free speech in the Church—to make reformation impossible—and to impose on those who differed from them a spiritual despotism of the most insupportable description. And out of such a state of things there could be only one issue. The men on whom the weight of the tyranny fell most heavily refused to continue to submit to it. Four ministers—Ebenezer Erskine of Stirling, William Wilson of Perth, Alexander Moncrieff of Abernethy, and James Fisher of Kinclaven—were driven out of the Church; and in 1733 there was formed the Associated Presbytery—the little cloud which has since developed into the United Presbyterian Church of Scotland. After the mischief had been done, the ruling party in the Church woke up to realize in some measure the greatness of their mistake, and they would then have done anything within their competency to restore the broken unity. But it is much easier to make breaches than to heal them. Whether they can be fully justified or not, the first seceders kept their ground, and refused all offers of reconciliation; and the Moderates had the mortification of seeing formed outside their own communion a protesting camp, into which an increasing

number of the most religious people in Scotland gradually found their way.

It has been hinted that even among those who sympathize with the Erskine party in the stand they made against Church tyranny, there are some who think that they ought not to have turned their backs so stiffly on their old friends when the door was opened for their return. It is a very debatable question, and we do not propose to discuss it here. But this much must be said for the seceders, that if one of the reasons which weighed with them was the conviction that the penitence of their oppressors did not go very deep, then their conduct and the grounds of it received a very significant justification from the events which followed. The Moderates recovered from the discomposure which had been at first produced by the retirement of so many good and able men from the ranks of the ministry of the Established Church, and which had actually moved them to let the helm fall for a time into the hands of the Evangelicals. They became themselves again. And with this restoration came a return of their old policy. What they considered the law was enforced with a remorseless rigour. Principal Robertson, who was now the leader of the Church, laid down the principle that effect must be given to all presentations, whatever was the consequence. And as he had adopted another theory, which he was equally prepared to uphold against all comers—that no member of the Church can avoid executing the orders of its supreme authority, except by withdrawing from it altogether—he dispensed with “the Riding Committee,” which had been employed hitherto in carrying

through unpopular settlements, and insisted on each Presbytery doing the business of its own intrusions for itself. This part of their duty was felt to be very galling about the year 1751-52 by the Presbytery of Dunfermline. A vacancy had occurred within its bounds at Inverkeithing, and the patron had presented a man who was so unacceptable that the people would not have him upon any terms. Under these circumstances the Presbytery refused to proceed to the settlement, and the case went up to the Assembly. There, however, the scruples of the Dunfermline brethren met with no sympathy. They were ordered to proceed to the induction at once; and that all nonsense might be driven out of them, it was specially enacted that there should be present not a quorum of three only (which is the legal number) but of *five*. This reckless enactment necessarily involved a good man, Mr. Gillespie of Carnock, who, if he had been allowed to stay peaceably at home on the ordination day, might never afterwards have been heard of. It is not recorded of him that he thought lay patronage sinful. It is not hinted that he would have refused to recognize Mr. Andrew Richardson as minister at Inverkeithing after he had been settled there by men who could conscientiously do so. All that he made a point of was this, that he could not for himself be a party to the intrusion of any minister into any parish. And holding that, he dared to absent himself from the induction. The offence thus committed by him could not be overlooked. He was taken up, and tried, and deposed for contumacy. But here was another stupid mistake of the Moderates. The power of the vote is a tremen-

dous instrument, not to be despised by any; but there is a power also in common sense and conscience, even when these are in a minority. And the fact was illustrated here. Mr. Gillespie was believed by a good many people to have done nothing worthy of death, or of bonds, or even of deposition. The treatment to which he was subjected served to show in a stronger light than ever the intolerable character of the system under which the affairs of the Church were being administered, and the result was the formation of a new sect, which on commencing its career professed to have nothing distinctive about it except this, that it sought *relief* from patronage. The Relief Church, as the body constituted in 1761 came to be called, and the various branches of the secession, pursued separate courses until 1847, when they happily agreed to combine their forces, and the Communion so formed has been known since by the name of the United Presbyterian Church.

From this sketch, brief as it is, it will be very clearly seen that this section of Nonconformists have no cause to blush for their origin. They are where they are, not as the result of a freak of some scrupulous conscience, but as the fruit of movements with which all liberal and earnest men now sympathize. And although they have now in the main adopted views of the relation between Church and State which have seriously altered their position, the shrewd remark made by Mr. Hill Burton is one which they may still remember with pride. "The great Establishment of England," says he, "kept to its principles, while the Dissenters struck out innovations !

On the other hand, Scottish Dissent always tended to preserve the old principles of the Church, whence the Establishment, by the progress of enlightenment, as some said—by deterioration, according to others—was lapsing.”



## CHAPTER IV.

### ANOTHER EXODUS—RESULTING IN CONGREGATIONALISM.



UNDER the leadership of Principal Robertson and others (whose avowed policy it was to give effect to every presentation made by a patron, whatever might be the consequences), the people, as a rule, ceased to offer any violent opposition to the most obnoxious settlements. If the inhabitants of a parish were indifferent about religion, they callously acquiesced in the appointment of an unacceptable minister as an irremediable evil; or, if they counted it indispensable to have Evangelical preaching, they quietly retired from the Church, built a plain "meeting-house" for themselves, and applied for "supply" to the Seceders. But God did not, even during this dark period, wholly forsake the Church of Scotland. Here and there, both in the north and in the south, were points of light, which, if they did not dispel the prevailing darkness, helped greatly to relieve the gloom; and toward the close of the century in particular a very remarkable movement began, which at first seemed to promise the infusion of a new life into the body as a whole. The movement was originated by

Robert Haldane, the proprietor of the beautiful estate of Airthrey, and a near relative of Lord Duncan, the hero of Camperdown. How such a man came to be the leader in a religious revival will be best told in his own words :—

“ Before the French Revolution,” he says, “ having nothing to rouse my mind, I lived in the country, almost wholly engaged by country pursuits, little concerned about the general interests or happiness of mankind, but selfishly enjoying the blessings which God, in his providence, had so bountifully poured upon me.....When politics began to be talked of, I was led to consider everything anew. I eagerly caught at them as a pleasant speculation. As a fleeting phantom they eluded my grasp ; but in missing the shadow, I caught the substance : and, while obliged to abandon those confessedly empty and unsatisfactory pursuits, I obtained in some measure the solid consolations of the gospel ; so that I may say, as Paul concerning the Gentiles of old, ‘ He was found of me who sought him not.’ ”

The first idea of Mr. Haldane,—at the time of his conversion an attached member of the Church of Scotland,—was to consecrate himself and his possessions to the work of Christ abroad. He sold his estate, and, with the proceeds, proposed to establish in the city of Benares a mission, in which he himself, and several others (ministers and laymen) whom he had persuaded to agree to accompany him, were to be the active labourers. But the East India Company refused to allow the plan to be carried into effect ; and the consecrated band, having the gate of the East shut against them, threw themselves on



the (in their way) almost as necessitous fields which lay around them in their own country. On the 20th of December 1797, they formed themselves into a "Society for Propagating the Gospel at Home;" and to prevent their act in so doing from being misapprehended, they were careful at the outset to disclaim all intention to intermeddle with the existing ecclesiastical arrangements. "It is not our design," they said, "to form or extend the influence of any sect. Our sole intention is to make known the evangelical gospel of our Lord Jesus Christ. In employing itinerants, school-masters, and others, we do not consider ourselves as conferring ordination upon them, or appointing them to the pastoral office. We only propose, by sending them out, to supply the means of grace wherever there is a deficiency."

Here, then, once more within the century, a time of merciful visitation came upon the Church of Scotland. A body of devoted men arose out of her own bosom, and called upon her aloud to awaken out of her sleep; and there cannot be the shadow of a doubt that if she had responded to the call the result would have been an immense increase to her strength and efficiency. But again she failed to discern the signs of the times. She did not hear the voice of the Lord. She was not wise enough to adopt and direct a current which it was out of her power to arrest; and the final result was a new exodus, and the formation within her own territory of a new religious denomination.

"The movement of the early Congregationalists," says Dr. Lindsay Alexander, one of themselves, "was from the

beginning a purely spiritual movement. Like Methodism in England, the secession which they headed had its source simply in a craving for more life, more energy, more spiritual freedom and diffusiveness, than they could find in existing systems. Could they have found what they wanted in the religious societies with which they were already connected, it was not in their minds to have ever forsaken them. On the contrary, they rather clung to them with filial affection; nor was it until they were treated as unworthy and rebellious children—their requests refused, their longing desires scorned, their evangelistic efforts repressed and punished, and the whole machinery of ecclesiastical despotism put in operation to suppress and terrify them—that they asserted their rights as men whom the truth had made free, and availed themselves of the liberty conceded them by the laws of the country to unfurl the banners of an independent communion. Their adoption of the Congregational form of Church polity was the result of subsequent investigation and study; to which they were led partly by the circumstances in which they were placed, and partly by the counsel and instructions of ministers from England holding these views, who came to countenance and assist them in their evangelistic efforts.”

It is not necessary to go deeper into the history of this sect, or to show how afterwards it came to divide into two parts, the one holding “Baptist,” the other “Pædo-baptist” views. Enough has been said to bring out this fact, that the not inconsiderable section of our fellow-countrymen who are now Congregationalists in their Church principles, might at this day have been still

Presbyterians and in the National Church, if it had not been for the folly and tyranny of the Moderate majority, which would not suffer the new life to have free scope for expansion within the limits of the Establishment.

## CHAPTER V.

### A NEW EVANGELICAL MOVEMENT FROM A NEW CENTRE.



TOWARD the middle of the first quarter of the present century another man came distinctly into the public view, who was manifestly sent to revive the Evangelical interest within the Church of Scotland. This was Dr. Andrew Thomson, who was settled in St. George's, Edinburgh, in 1810. What manner of man he was is told by one who shortly after took his own place as a reformer by his side, and who lifted aloft the banner of spiritual freedom when it was suddenly stricken from his friend's hand. "When one thinks," said Dr. Chalmers, "of the vital energy by which every deed and every utterance were pervaded; of that prodigious strength which but gambolled with the difficulties that would have depressed and overcome other men; of that prowess in conflict and that promptitude in counsel with his fellows; of that elastic buoyancy which ever rose with the occasion, and bore him onward and upward to the successful termination of his career; of the weight and multiplicity of his engagements, and yet, as if nothing could over-work that colossal mind and robust

frame-work, the perfect lightness and facility wherewith all was executed ; when we think, in the midst of these powers and these performances, how intensely he laboured—I had almost said how intensely he lived—we cannot but acknowledge that death, in seizing upon him, hath made full proof of a mastery that sets all the might and all the powers of humanity at defiance.”

The raising up of such a leader, at the time he appeared, within the Scottish Establishment, was a providential dispensation as marked in its way as was the call to Martin Luther at the dawn of the Reformation. Not only did he raise the Evangelicals, as a Church party, into a compact and powerful organization—but by the manliness of his Christian character, and the extraordinary eloquence of his preaching and speaking, he commanded respect for earnest piety in places where it had formerly been derided as weak, and sensibly affected the tone of general society in the city where he resided. As instances of his power over the public mind we may note such facts as these : that his sermons on the immorality of the stage “for a time almost ruined the Edinburgh theatre ;” that his discourses on infidelity “alike prostrated the pride of the sceptic and gave confidence to the timid believer ;” and that it was mainly through his influence over the Parliament House that so many of our most distinguished lawyers were found on the popular side in the contendings which issued in the Disruption.

Nor was Dr. Thomson left to labour without worthy coadjutors. While he was lifting up the standard so fearlessly and effectively in the east, another star, also

of the first magnitude, was blazing forth as conspicuously in the great commercial metropolis of the west. Dr. Chalmers was admitted minister of the Tron Church, Glasgow, in 1815. In less than two years afterwards (January 1817) there appeared those "Astronomical Discourses" which ran an almost equal race for popularity with the "Tales of my Landlord." And the whole country soon rang with the name of one who was proving himself to be possessed not merely of a tongue of fire, but of practical qualities such as the times most urgently needed, by the exercise of which it was confidently hoped that the scattered energies of the Church would be collected together and organized into an effective force for the evangelization of the people.

When Dr. Andrew Thomson and Dr. Chalmers were thus labouring to establish the reign of God in Scotland, the wish to stir up an ecclesiastical controversy was as far as possible from their minds. Their single aim was the propagation of the gospel, and the reforms they sought for the Church were in general advocated, not on theoretic, but on practical grounds. The spirit of the movement which they represented is illustrated, for example, by the circumstance that now the Assembly did not put away from it as visionary the proposal to send the glad tidings of salvation to the heathen. In 1825 a committee was appointed to consider the feasibility of a mission to India; and in 1829 Dr. Duff actually set out for the East. The proposal to undertake this new enterprise came from Dr. Inglis, an Evangelical Moderate, as he has been called; and happily so, for thus the concurrence of the dominant party was secured in



favour of what—if the movers in it had been from the opposite side—might have been looked coldly at as an Evangelical project. But the truth was that the Church as a whole was beginning to feel the influence of the rising tide, and this engagement in missionary work was a palpable proof of the fact. The Evangelical leaders of the day, however, were not men who could allow themselves to compound for what was unsatisfactory at home by taking a deeper interest in the spread of the truth abroad. They saw around them, at their own doors, things which they were not able to view without trouble and anxiety : many of the pulpits filled by men who did not themselves preach the gospel ; large districts of the country in which the cause of spiritual religion was at the lowest possible ebb ; and a general listlessness and indifference about the Church and its doings which were at once ominous and disheartening. As they brooded over all this they came, possibly by different routes, to one and the same conclusion—namely, that if the Church of Scotland was ever again to become a great spiritual force in the land, *a potential voice must be given to the people in the choice of their own ministers.* The broad practical mind of Chalmers would have reached that position, and held it tenaciously, even although no such principle had ever found a place in the original constitution of the Church. But, of course, he felt surer of his ground, and was better prepared to contend for it, when he discovered that in pleading the cause of the people he was introducing no innovation, but was, on the contrary, actually bringing again into view an original but forgotten right. To Dr. Andrew Thomson,

on the other hand, the constitutional side of the question would have special attractions at once ; and hence, while the name of Chalmers became by-and-by associated especially with NON-INTRUSION, Thomson went in blankly, and so early as 1825, for the ABOLITION OF PATRONAGE.

The main motive-spring in both these men was, there can be no doubt, substantially the same. They were concerned about the revival of religion. They were eager for the success of an Evangelical movement which, they hoped, would gain Scotland for Christ. And in pleading for the abolition of patronage, or for non-intrusion, they thought far less about the abstract question of what is the true theory of the Church than about the bearing of the reforms they advocated on the practical issues which they had at heart. It is this, indeed, which explains what some have thought the inconsistency of certain Evangelicals with regard to patronage. It is well known that the continued existence of some form of patronage would not alone have caused the Disruption. Many argued about it in this way : In an Established Church there are undoubtedly two things connected with every parish—a cure of souls, and what is called *a living* ; and if due care is taken that in no case shall a minister be settled in a place but with the hearty concurrence of the people, no great harm can come of conceding to those who, theoretically speaking, provide the “living” the privilege of bringing under the notice of the people one or more individuals whom they would like to see settled in the charge. Practically there are enormous difficulties in the way of loyal Pres-



byterians assenting to any such arrangement, however guarded, because experience shows that when you give a lay patron an inch, he will, when he can, take an ell. At the same time, it is to be distinctly remembered that what many of the best men of the Church in those days chiefly thought about, was not so much relief from every kind of patronage, as the securing, under any system which happened to exist, the rights of the Christian people. And for these rights they came to contend, not merely because they saw that it would be expedient to have them recognized, but because it grew to be increasingly clear to them that they were rights which the Church had no title in itself to surrender, which, in point of fact, the Church of Scotland never had surrendered, and the suspension of which was never intended under any concordat or covenant which that Church had at any time made with the State.

At different periods in the history of the Church the laws relating to the settlement of ministers have varied ; and sometimes, it cannot be denied, elements have been allowed which we would now regard as inadmissible. But underneath all these variations there ran one deep, strong, overpowering conviction on the part of all Evangelical Scotchmen, in all generations, that "it appertaineth" to each congregation to choose its own minister ; and when Chalmers lifted up the banner of "Non-Intrusion," his aim, as a practical Christian statesman, was to meddle as little as possible with the existing arrangements of the Establishment, but to secure in any case to the people of Scotland their inalienable privilege of popular election.

The subject was first formally brought before the Assembly in 1832, the year after Dr. Andrew Thomson's death, in connection with a number of overtures, the general tenor whereof was as follows: "That whereas the practice of Church Courts for many years has reduced the call to a mere formality, and whereas this practice has a direct tendency to alienate the affections of the people of Scotland from the Established Church, it is overtured that such measures as may be deemed necessary be adopted in order to restore the call to its constitutional and salutary efficiency." When these had been read, a motion was made that they should be referred to a committee for consideration; but the Moderate party was in a clear majority in the House, and the motion was peremptorily negated.

Next year the matter was revived—a still larger number of overtures from the inferior courts showing how much the Church was stirred about the question; and Dr. Chalmers moved that efficiency should be given to the call; the dissent of a majority of the male heads of families (being communicants) to be regarded as proof that "*the call*," in the Church sense, was wanting. But again the efforts of the Evangelicals were unsuccessful. The proposal of Dr. Chalmers was lost by a majority against it of twelve.

As the votes showed, year after year, that the tide was turning, the subject was not allowed to sleep. The memorable Assembly of 1834 arrived, and the motion made by Dr. Chalmers was renewed by Lord Moncreiff. And this time it was not made in vain. By a vote of

184 to 138 what is called the Veto Law was passed, and the long reign of Moderatism came to an end.

Happily we do not now need to vindicate the essential wisdom of the measure which was thus carried in the Assembly. The lay patron has since then been unanimously flung overboard, and nobody now-a-days stands up for the old Moderate principle, that "effect should be given to every presentation, no matter at what cost." It has equally ceased to be the fashion to argue for a "veto with reasons," Lord Aberdeen's Act, which gave us a sample of that, not having raised it much in the public estimation. But as the grand cry of the enemies of non-intrusion forty years ago was that the Veto Act was illegal, that the General Assembly had done what it had no right to do, and that this attack by the Church on the State furnished a justifiable ground for the reprisals which followed, it may be well, before closing this chapter, to offer two remarks.

In the first place, let the reader take notice what the Veto Act really amounted to. It did not propose to meddle with patronage. Although the Church had never formally submitted to the outrage inflicted in Queen Anne's time, it had practically condoned it by allowing patrons to present to livings; and the Evangelicals in 1834 acquiesced in the use and wont. But the Act of Queen Anne never even professed to abolish *the call*. It was still the law and the custom of the Church to go through the form at least of asking that concurrence of the people to which the call gave formal expression. And all that the General Assembly did was to vitalize what had become a dead letter. It

might have done this, we are all now disposed to think, in a more perfect way. It might, for example, have ordered the rejection of any presentee who could not show a largely-signed call *in his favour*; and it might have required a majority, not merely of all the male heads of families, but of all the communicants, male and female. But Lord Moncreiff and his party were studiously moderate in their demands. And all they asked was this, that no man should be intruded into a parish when a majority of the male heads of families came forward and deliberately and solemnly objected to him.

Now, secondly, for the true Church of Scotland—the Church of the Reformers and Covenanters—to have admitted that in giving an honest meaning to “the call” it had done something *ultra vires*, or beyond its right,—for the Church of Scotland to have done that, would have been to acknowledge its own constitution to be a mockery, or to confess that in entering into an alliance with the State it had bartered away one of its most important privileges. As a matter of history, the Church had never assented to the putting of lay patrons in the place of the people; but if it had—if the Moderate interpretation of the law had been the right one, and we had been actually obliged to allow that by the Church’s own consent the General Assembly was debarred from taking any effectual steps to see that the call was what it professed to be—then the state of things would have, in plain terms, been in the last degree discreditable. If a Church like ours believes, as it always has believed, that it “appertains” to the people to choose their own ministers, it must assert the same under all circum-

stances. And it ought never to act as if what belongs to the people as their heritage could be legitimately given away for some other benefit supposed to be better, or could be properly accepted as a gift conferred upon them by any civil or ecclesiastical authority.

## CHAPTER VI.

### THE MOVEMENT ARRESTED BY THE CIVIL COURTS.



THE Evangelical movement which originated with the labours of Andrew Thomson and Chalmers had at first better success than the similar movements which preceded it. Erskine, Gillespie, Haldane, all found opposed to them an overpowering majority, to bear up against which seemed hopeless, and they sought expansion for the new life they represented by soon going outside the Establishment altogether. The Non-Intrusionists, as they came to be called, were more fortunate. They actually succeeded in converting the Church to their views, and after the year 1834 they could always command in the Assembly such majorities as were necessary to secure the carrying out of any of their projects. In a word, what takes place in the State when the political party in power is beaten at the polls, and the Ministry in consequence resigns, had occurred in the Church. The Moderate régime was over, and the Evangelicals reigned in their room.

And the change very speedily approved itself to all earnest people as a happy one for the country. Here is



a sample of what was done in the earliest years after its accomplishment. Between 1834 and 1838 there were built in necessitous districts 187 new places of worship, at a cost of over £200,000. Within the same time the contributions to Foreign Missions were trebled. In 1836 a Colonial Scheme was established. In 1838, Mr. M'Cheyne and his friends were despatched as a Deputation to the East to inquire into the condition of the lost sheep of the house of Israel, and as the result, a Jewish Mission was commenced at Pesth a year later. A new interest also began to be taken, with excellent effects, in the management of the National Schools and Colleges, and in education generally. And the Veto Act being found, as a rule, to work most admirably, a marked improvement soon appeared in the general effectiveness of the ministry throughout the whole Church. The spectacle thus presented was so pleasing, and the struggle which followed was so sad, that it is not to be wondered at that men should still be discussing the question of who was really responsible for the arrest of the reformation. Let us do the minority in the Assembly the justice to say that, *as a party*, they did not press to an immediate issue the difficulty about jurisdiction. They had their own opinions about the legality of the Veto Act, and they might have done at once and directly what was done in effect afterwards with their sympathy,—appealed against the decision of the Assembly of 1834 to the Civil Courts. But they did not do that. On the contrary, they so far acquiesced in that decision as to act under it. The conflict, then, was not provoked by the Moderates at that stage. Nor were there any signs of



spontaneous interference on the part of the State. On the presentee to Auchterarder must lie the responsibility of having thrown the first stone which broke the peace. But it would be folly to pretend that his alone was the whole guilt of the Disruption. Without the backing of the Moderate party he never could have fought the battle he did. If their low views of the Church had not corrupted to such an extent the mind of Scotland, such utterances as by-and-by came from the Bench would never have found expression there. And it is matter of simple history that Lord Aberdeen and Sir James Graham, who could have prevented the catastrophe of 1843 if they had chosen to lift up their little fingers, often bitterly complained in after years that they had been grossly misled by the advice which they received from north of the Border. Though it cannot be affirmed, therefore, that as a party they set agoing the agitation which broke up the Church, it is certain that they formed the life of that agitation when it had once begun; and on them, without any question at all, the responsibility lies of having forced a new section of the Scottish people into the ranks of Nonconformity. In point of fact, then, substantially the same thing has happened in our day which took place in last century. Moderatism is in its own nature hostile to Evangelical life; and it will not tolerate its existence alongside of it if it can possibly help it. In earlier times the suppression of Evangelical risings was easy. The Moderates sat at the helm, and when any of the crew became troublesome they could throw them summarily overboard. But when they lost the command of the ship, the case

was altered. Then they required to make alliances. They called in to their assistance the secular arm, and in combination with it they became strong enough to insist, as of old, that at whatever risk their views of ecclesiastical polity should be adopted. And it was undoubtedly another day of triumph for them when, on the 18th of May 1843, a new act of expulsion took place, and one more was added to the religious denominations of Scotland.

The help of Cæsar was got in the following way:— On October 14, 1834, Mr. Robert Young, a probationer, was presented by Lord Kinnoul to the parish of Auchterarder. When the call was moderated in, it was signed by the factor (who was non-resident), and by two heads of families. On the other hand, Mr. Young's settlement was opposed by 287 heads of families, all of them being communicants. Under these circumstances the Presbytery refused to sustain the call, and their conduct was approved on appeal by the Synod and the General Assembly. The patron and presentee, however, were not satisfied with the decision of the Church, and they turned to the civil authorities. At first their demand was in some respects a reasonable one. They asked to have it declared that the possession of the presentation secured to Mr. Young the "*living*," if not the cure of souls. But upon the Presbytery saying that they had no objection in law to offer to that, the pursuers enlarged their demands, and required that the Court should affirm that the Veto Act was illegal, and that Mr. Young was entitled to be settled in Auchterarder (if nothing could be said against his life or doctrine),

whether the people were opposed to him or not. On the 8th of March 1838 the Court of Session, by a majority of eight to five, pronounced a sentence conceding in principle all that was thus asked, and proclaiming in effect that the Church was merely a creature of the State, and had no such thing within itself as an independent jurisdiction. This judgment was affirmed by the House of Lords on the 3rd of May 1839. Something was wanting, however, in both verdicts. The state of the law was plainly enough announced, but nothing was said as to how a Presbytery was to be punished if it refused to proceed to the ordination of a man against whose settlement in a parish all the inhabitants protested. A new case, therefore, was commenced. Mr. Young and Lord Kinnoul demanded that the Presbytery of Auchterarder should be held liable in pecuniary damages if they refused to intrude the presentee into the parish; and this modest request was as cordially complied with as the other. Such a wonderful change has come over the spirits of men since then, that the new generation will hardly credit the fact that such monstrous decisions were given within the memory of many who are still living. For who, now-a-days, thinks it would be a right thing to force a minister upon a reclaiming people? Who now wonders at good men declaring that they could not in conscience take anything to do with such intrusions? And who now would care to be known as the champion of a system under which Presbyteries were held bound either to be parties to the commission of outrages, or to submit to the exaction of ruinous pecuniary damages?

The excitement was immense which was produced all over the country by the Auchterarder decisions; and no wonder, for they rendered this abundantly plain to all who were very much concerned about spiritual religion, that, if a true reading had been given of the relations subsisting between Church and State in Scotland, it would be nothing less than treason to Christ and to the gospel to maintain the union a day longer than was necessary. Nothing, however, was done rashly. The Church, through its Supreme Court, made a final appeal to the Legislature. Such and such, it said, are the legal decisions which have been given in our case. If they are enforced, it is impossible that we can submit to them. But we are profoundly convinced of the importance of maintaining the Establishment, and we ask you to listen to the statement which we have drawn up with regard to the constitutional position of the Church, and to consider, in the light of what it contains, whether you cannot do something effectual for our relief. The Government of the day received the appeal, and of course led Parliament in the course which it took with respect to it. What that course was is well known. "The Claim of Right" was rejected. The judgments complained of were countersigned by the representatives of the nation, as setting forth the conditions on which alone the connection between Church and State could be maintained, and those who now constitute the Free Church were then forced to seek outside the Establishment what was conclusively denied to them within it.

But what, in plain terms, was then settled? Ostensibly this chiefly, that a presentee had an incontestable

claim in law to ordination, if a Presbytery found him personally qualified ; in other words, that in the settlement of ministers the will of the patron was entitled to dominate, not the will of the people. Or, to put it in yet another form, it was declared that the Church as an Establishment had no right to put in operation the principle of non-intrusion. Even if that had been all, the case would have been serious enough ; for the Evangelicals had become thoroughly convinced that the intrusion of ministers into charges was contrary to Scripture, contrary to the constitution of the Church, contrary to reason, and hostile to the maintenance of spiritual religion, and they could never in honour have consented to remain in a position which prevented them from carrying out their convictions in that connection. But in the course of the conflict another and a yet higher question was raised. It was this. Did the Church, when it formed an alliance with the State, negotiate as an independent power ; and did it carry with it, when the union was completed, all its inherent rights ? or did the State act in the matter as a patron who takes a dependent institution under his protection, and who thereby becomes entitled to shape and mould it at his will ? The Courts of Law and the Legislature took virtually the latter view. The Church's claim of spiritual independence was scoffed at as absurd ; and when the attitude taken up by Parliament with reference to this matter was declared to be final, the blow given was felt with peculiar keenness on this ground, that whereas the denial of non-intrusion affected directly only the rights of the people, the denial of a free autonomy to



the Church struck immediately at the supremacy of Christ.

We shall look more particularly at this subject in next chapter, but in the meantime we may, in passing, note this important fact, that although two attempts have been made—the one in 1843 by Lord Aberdeen, the other in 1874 by Lord Advocate Gordon—to put the Establishment right with the people, nothing whatever has been done even to blunt the edge of those decisions by which the Church was declared by the Law Courts to possess no inherent freedom. In the “Protest” which was left by the Evangelical majority upon the table of the Established Church General Assembly at the Disruption, not a word appears referring to lay patronage; and even the intrusion of ministers upon reclaiming congregations is mentioned only incidentally and by way of illustration. The grand burden of complaint in that document is, “That the Courts of the Church as now established, and members thereof, are liable to be coerced in the exercise of their spiritual functions.” That complaint has remained unheeded to this hour. The grounds of it continue precisely what they were thirty years ago; and if Chalmers, and Candlish, and Cunningham, and those who followed them, were right in leaving the Establishment rather than imperil the principle of spiritual independence by remaining in it, the obligation is still binding upon the Free Church to sustain, the same as ever, the attitude of protest.

## CHAPTER VII.

### THE BATTLE FOR INDEPENDENCE.



NO Scottish Presbyterian can consistently object to any Christian Church putting in a claim to "independence." Worldly politicians may sneer at the doctrine of an *imperium in imperio*,—a kingdom within a kingdom,—as a devout imagination or as an invention of ambitious churchmen. But we who accept the Confession of Faith as containing our creed would simply make fools of ourselves if we were to join with them, for here is the doctrine in question laid down in the most unmistakable way in our common standard:—

"The Lord Jesus, as King and Head of his Church, hath therein appointed a government in the hand of church-officers, distinct from the civil magistrate."

Whatever more these words may signify, they at the least mean this, that the Church is a society which is not created by the State, or necessarily dependent upon it; that its immediate Head is Christ; that it has a government of its own, and officers of its own; and that the civil magistrate, as such, has no standing within it so as to have the right to rule in it or to administer its laws.



In other words, the Confession clearly assumes that the Church possesses within its own sphere a jurisdiction as real as that which is exercised within their spheres by the Civil Courts of the country.

And happily we do not in Scotland require to contend for this principle so far. You will meet with not a few in England whose ideas of the Church are so low that they don't care to say a word for it as a separate existence. In their eyes it is and ought to be nothing better than a Parliamentary institute, which the House of Commons can lick into any shape it pleases. But, to the honour of Scotchmen be it said, such unworthy conceptions of a divine institution have always been unknown on this side the Border. Even in the darkest days of Moderatism it was held, and held strongly, that the Church is as substantial and independent an entity as the State itself.

All our differences have arisen from our not being able to agree as to *what belongs to the province of the Church*, and as to *THE PRINCIPLE we are to adopt for redding the marches between Church and State*.

The Established Church said before the Disruption, and says still, that it belongs to the Civil Courts to define what are *Temporalia* and what are *Spiritualia*, and it has in the most solemn ways put the seal of its approval upon what these courts did during the Ten Years' Conflict; while we, on the other side, affirm that the Court of Session did in those days most unwarrantably intrude into the Temple, and that for us to assent to its deciding authoritatively and in the last resort what it is competent for a Christian Church to do, would be to be guilty at once

of great folly and of inexcusable disloyalty to Christ. The distinction, then, between the Free Church and the Established Church in this connection is radical. Nothing could cut deeper. We do not differ about the general position that the Church *has* a province of its own, and can fully fulfil its functions only if it is allowed to occupy that province. The Erastianism of Scotland is too refined to insist upon the State giving no freedom to the Church at all. We diverge *HERE*, when our friends tell us that if ever there shall arise a dispute as to whether a certain thing is spiritual or temporal, we must be held bound to submit to any judgment which may be given upon the point by the Lord Ordinary.

On this head we are very much indebted to a certain anonymous pamphleteer\* for his plain speaking. We would not, indeed, think it worth while to refer to his performances here, if it were not that we have some reason to believe that he is accepted by the authorities in the Establishment as their champion. At any rate, his pamphlets have been gratuitously circulated by thousands. They were given away at the doors of the Free Church General Assembly, and have since been posted to every Free Church manse. It would be too much to think that the author is doing all this out of his own pocket; and the conclusion seems a reasonable one, that what he says has met with the approval of his Church, and that through him the Church is speaking. On this account we have to thank him for his outspokenness; for in quoting him we can feel quite sure

\* The pamphleteer is now known to have been Dr. M'George, who states the Church view in Professor Story's history, "The Church of Scotland, Past and Present."

that we are not putting sentiments into the mouths of those who differ with us about this matter which they themselves would repudiate.

Before giving the doctrine of this writer, however, let us give a sample of his modesty. It is thus he thinks fit to speak of *The Protest* of 1843, and of the first Legal Adviser of the Free Church of Scotland :—

[The Protest], he says, “is worth reading as a curiosity of polemical controversy, not otherwise. It is an unscrupulous partisan paper, written by Mr. Alexander Dunlop, advocate; who, it is charitable to assume, framed it in haste, under the unreasoning fervour of party feeling and party zeal.”

That is one picture. Over against it let us place another, sketched by one whose right to speak no man will question.

“Dunlop,” says Lord Cockburn, “is the purest of enthusiasts. The generous devotion with which he has given himself to this cause has retarded, and will probably arrest, the success of his very considerable professional talent and learning. But a crust of bread and a cup of cold water would satisfy all the worldly desires of this most disinterested person. His luxury would be in his obtaining justice for his favourite and oppressed Church, which he espouses from no love of power or any other ecclesiastical object, but solely from piety and love of the people. There cannot be a more benevolent or honourable gentleman. Immovable in his principles, and by no means impervious to occasional contempt or indignation, neither those feelings, however just, nor any other provocation, ever surprises him out of his gentleness ;

nor is it possible for the influences of religious controversy to bias his candour. I have all along heard him discuss all these very inflammable matters in private, and while all parties and nearly all men have been raging and traducing, I have not only never heard a harsh word from him, but I have never been able to detect the lurking in his heart of an unkindly thought, even toward his least tolerable opponents. Any of these opponents who are candid might safely trust the explanation of their statements or views in their absence to the impartiality of Dunlop. I know no other person who so thoroughly unites the society and agitation of Churchmen with the liberality of a layman and a gentleman."

The writer above alluded to puts the case as between the two Churches with charming clearness. He brings out distinctly what we have already said, that the difference does not consist in any denial on the part of the Establishment that the Church has a province of its own. "In the very last case," he says, "the Lord Justice Clerk, delivering the judgment of the Court, took occasion to state emphatically, 'that the Church Courts, *within their ecclesiastical province*, were just as supreme as the Court of Session.'" What then was all the to do about? It was simply this, that the Non-Intrusionists refused to leave in the hands of the same Court of Session the settlement of the question of *where the ecclesiastical province begins and ends*. To the mind of the mere lawyer (which the pamphleteer seems to be) this position looks horrid. The Court of Session is his fetish. The Lord Ordinary is a sort of god to him. He cannot imagine such a thing as any higher voice

speaking ; and he is inexpressibly shocked at the Church of Scotland not at once bowing its head with submission when Lord President Hope gave forth this dictum, that such and such things were within the province of the State, and that the Church had no business to meddle with them at all.

“It was not a question of spiritual independence,” says he, “or spiritual jurisdiction in any sense. *It was simply a question of law, and a Court of Law was the only tribunal competent to decide it*” !

“Any party aggrieved and injured by the illegal action of the Church would be justly entitled to ask the protection of the Court ; and the Court, judging between the parties, would be entitled, as it would be bound, to give the relief required in the circumstances.”

“It was a question which could only be decided by a Court of Law.”

These quotations show the drift of the whole argument, which we have again to say just amounts to this, that the Church is free within certain limits, but that these limits must be defined by the Court of Session. We used to suppose that the present members of the Establishment were ashamed of the conduct of the Moderates before 1843, and that if the past could be recalled, they would discountenance the high-handed proceedings of the Judges. But from the writings of this advocate of the party we gather that this is a mistake. They are still prepared to vindicate all that took place in those days. We may presume that if the thing had to be done again the old outrages would be repeated. And we are obliged to this writer for thus leaving us in no doubt about



the fact that if the attitude of the Establishment to the people has changed, its spirit and principles are as Erastian as ever.

For we attach no value whatever to general concessions about an "ecclesiastical province," while the Civil Court retains the right to decide how that province is bounded. Under such an arrangement, the "independence" of the Church is a mere name. The Court is really its master, and can invade its territory when it chooses. It is quite true that such an invasion may take place into the territories of any Church. No Church can save itself from persecution. But the question of principle is this, Is any Church entitled to form an alliance with a State, and accept its pay, while the State is making it a condition of such an alliance, that when a difference of opinion arises as to whether certain things are *spiritualia*, the final determination of that question shall lie with the Civil Courts? Our contention is, that the Church which makes such a bargain is surrendering its freedom, and is guilty of treason to its Divine Head; and we are grieved to see from the reasonings of the anonymous pamphleteer that the present Established Church of Scotland has not only made such a bargain, but glories in it.

Of course we are quite familiar with the grounds on which the position it has taken up is justified.

It is said, in the first place, that the Court of Session is not a party in the Church and State alliance at all, but a high judicial authority, holding the balance between both; and that what took place before 1843 was not the invasion of the ecclesiastical province by the

other contracting power, but simply a proper redding of the marches by arbitrators, to whose judgment even the State itself is willing to submit.

And, in the second place, it is argued that it is less safe to leave varying majorities in Church Courts to define the spiritual province than it is to commit the matter to men who have had the training of lawyers, and who, being uplifted above the strife of tongues, are able to view all subjects with unruffled candour.

In answer to the first of these statements we have only to say, that the children of this world would never for one moment dream of assenting to any like arrangement for themselves. If France and England were to have a dispute about a frontier line, they might conceivably agree to have the point settled by an international court; but this is absolutely certain, that the English would never consent to have that court composed entirely of Frenchmen, nor would the French consent to have it composed entirely of Englishmen. Whatever may be thought about the functions of the Court of Session, this must be affirmed, that all the members of it are "Secular" men, not, any of them, "Church" men; that for their appointment the State is responsible, not in any respect the Church; that their qualifications for their offices are civil, not spiritual; and that, in one word, while the constitution of the body is such as that the State may with safety leave its interests in its hands (and all the more because it is its creature, which it can abolish to-morrow), it would be utter folly in any Church which valued its freedom, and counted its "independence" part of its heritage, to intrust to any secu-



lar court, whatever it might be in theory, the right to control its actions and to determine in all circumstances what it was entitled to do.

But, although we are unable to assent to the plausible theory that the Civil Court holds the scales, would it not, on the whole, be wiser and more prudent to leave it to decide disputed questions than to have the Church itself perpetually wrangling over them? Our answer is, that if the Presbyterian theory of the Church be the correct one,—if, that is, Christ has appointed in it a government in the hand of church-officers,—we have no RIGHT to shirk the responsibility which has thus been laid upon us. Church Courts may err, and have often grossly erred, but that fact can never justify them in abnegating their functions. They must rule; they must use the power of the keys; they must perform all the functions with which they have been invested by their Head. And they have no more title to divest themselves of their obligations, because in their judgment these can be better discharged by others, than has the Governor-General of India, for a similar reason, to transfer the reins which the Queen has put into his hands into those of some neighbouring Asiatic potentate. Apart from that, however, sad experience has taught us that no more “devout imagination” has ever existed than that Civil Courts occupy a sort of supermundane sphere; that they are sublimely free from the blinding influences of human passion and prejudice; and that, being thus the embodiments on earth of candour and reason, they may always be safely intrusted with one of the most precious things in existence—the liberties of the Christian Church.

We may frankly admit that the ten years' controversy which preceded the Disruption really deserved its name. It was unquestionably a *conflict*; and on the side of the Church the excitement was as great as it usually is among the combatants in ordinary battles. But if any one fancies that the *Judges* kept serenely calm all through the crisis, the fancy simply shows that he knows nothing at all about the history. It was a fight on their side as fierce as it was on ours; and a very effective fight too, for their powers were not limited to the mere giving forth of oracular utterances. They had a weapon of offence as formidable as was ever wielded—the Interdict; and they used it freely. And if they did not proceed to devastate the Church, as of old, by fine and imprisonment, it was not because they had not the will to do so, and the legal right (as interpreted by themselves), but because, in plain terms, they were afraid of the old Scottish spirit which they had evoked—the love of independence, which is the sturdiest, as it is one of the noblest, elements in our national character.

In saying all that, we are not drawing upon our imagination for facts. We have had the curtain drawn aside for us recently by one who himself was in the midst of the fray, and knew at first hand how the Bench felt as well as the Church,—we mean Lord Cockburn; and from him we learn that the fanaticism of the time affected the ermine no less than the Geneva gown; and that the “judicial arbiters” by-and-by fought as passionately to keep down the Church as Chalmers and Buchanan fought for its freedom.

Experience teaches fools. Our Civil Courts are en-

titled to our profoundest respect. They are not infallible any more than General Assemblies ; but their decisions within their own sphere have, in general, been found to be equitable and just. But it has not turned out to be the fact that an Advocate who becomes a Law Lord necessarily ceases, *ipso facto*, to be human. Those Judges who were Moderates before their elevation to the Bench continued to be Moderates after ; and the opinions given by some among them are now acknowledged by all men to be absurd. Our reminiscences in this connection are too recent and fresh to incline us to walk with our eyes open into the pit again. Even were it lawful, we do not believe it would be expedient to commit the keeping of our liberties into the hands of the Court of Session ; and our strongest objection to the present Established Church is, that it has made to that Court a voluntary surrender of its freedom. It has a long rope, perhaps, and a loose rope. But still a rope is about its neck,—placed there, too, by its own consent,—and nobody can tell how soon the jerk may come which will rudely remind it of its bondage.

I have a garden next to a neighbour's, which I may call my own, and believe to be my own ; but if my neighbour claims the right to say where the boundary line runs, and if I allow that he has that right, then it is very clear that my property in the garden is not a particularly secure one. The neighbour and I may be on excellent terms just now, and he may be profuse in his admissions that I have a garden, and that I am entitled to cultivate it as I choose. But stranger things have happened than a neighbourly quarrel ; and though I

may have no legal right to complain, I may feel it to be uncommonly inequitable and inconvenient when my neighbour acts on his title, and makes his own free use of more than the half of my vegetables.

This is a lively picture of the position which the Establishment occupies at this moment, and which it has occupied ever since the decisions were given in the great Church cases of the Disruption period. These decisions are still unrepealed. The Patronage Act does not even profess to touch them. The Lord Advocate, in declining to accept an amendment pointing in the direction of giving relief to those who believed in the essential and inalienable right of the Church to spiritual freedom, intimated, in effect, that he considered the Church of 1843—the Church which we abandoned because it was in bondage—to be possessed of all the independence which he was prepared to concede to it. And in the light of this fact we may judge how much intelligence there is in those who imagine that the reunion of the Church has now been made possible.

It has been recently said, and that in quarters where we should not have expected it, that what the faithful Church of Scotland has always been asking in the name of spiritual independence is nothing more nor less than what is claimed for itself by the Papacy. The Pope insists that he is supreme in all causes, civil and spiritual, and that all the kings and authorities of the earth shall submit themselves to him. The Church, before the Disruption, made the modest demand that it should be allowed to regulate the formation of the pastoral tie, that it should not be interfered with in arranging who should

sit in its own courts, and that it should be free to exercise discipline on its own members. At the same time, it was careful to declare that it recognized the supremacy of the civil authorities within their own sphere ; and that it would interpose no obstacle in the way of the State withdrawing at any time its temporal favours, if the conduct of the Church in any case did not meet with its approval. That was the position taken up by the Evangelicals before 1843, and which the Free Church is to-day prepared to uphold ; and Dr. Cook calls that Ultramontanism ! He cannot really believe that the two views are the same ; and we must suppose that he confounded them for forensic purposes. The only conceivable ground on which any man could find even an excuse for coupling the two together is this, that some have committed the absurd mistake of imagining that the Church Courts, in claiming the right of an independent power to have some say in the definition of their own functions, have at the same time put in a claim to determine for the State what its province is. The Church of Scotland never put forward any such pretensions. It always said to the State, You must judge for yourself, in submission to God, what your sphere is ; and, in particular, you are perfectly entitled to proceed to disestablishment at once, if you are not satisfied with the ecclesiastical body which you have taken into your alliance. In a word, what our Church holds on the subject is this, that as each individual citizen has rights and obligations of which he dares not divest himself at the bidding of any earthly power, so we, as a society, founded as we believe by Christ, and to be governed in



immediate subjection to him, cannot, without treason to our Head, allow the State to do for us what we have been commissioned to do for ourselves, and thus to deprive us of what is indispensable to our usefulness—the right of free self-government.

But it is now said frequently—and, alas! not with a sigh, but almost complacently—that *the State cannot concede liberty to any Church*. Non - Established Churches, we are told, are just as much exposed to raids upon their independence as those which are Established; and since we are all in the same plight, it is very silly in people not to reconcile themselves to the inevitable, and, if chains must be worn, not to wear them gilded! The grounds on which this is said are, that now the Civil Courts of this country have finally come to the conclusion that a Church is no more in the eye of the law than a trading corporation; and that, when a dispute arises, the only question to be discussed is: Which party has kept to the terms of the *contract*?

Now there is nothing which has done more to reconcile earnest Nonconformists to their remaining in a state of separation from the State than just the adoption by the Courts of this doctrine. It is simply not true, as a matter of fact, that a Church is in the position of a company of ordinary traders; and it is the shallowest thing in the world to proceed to deal with it as if it were true. Judgments cannot possibly be relied on which are based on a notoriously false assumption. If I join a gas company, I do so voluntarily. If a contract is proposed to be drawn up, I can, if I have influence enough, get it framed in this way or that way as I choose.

A Church, on the contrary, is a society which professes to be divine in its origin. In the making of its constitution I had no responsibility. And in joining it I became not a free partner in a business concern, but *the subject of a King*. It signifies nothing that some people believe all this to be nonsense. It is enough that, deeper than all other convictions, lies this conviction in the hearts of the best people in this country; and for a Judge, in attempting to settle the relations subsisting between the civil and the spiritual, to ignore it, and to talk as if a religious society holds together by just such rules as unite men in smelting iron or sailing ships, is to commit the same sort of mistake that a king would be guilty of if he tried to govern a province of his empire with a sovereign disregard of the hereditary faith and character of its inhabitants.

But what makes this paltry "contract" idea additionally irrational is this, that it is propounded in a country where an opposite principle is part of the law of the land. It might be excusable in a Judge to see nothing in a Church but a common company, if he lived where Christianity was unknown. But here the Confession of Faith is one of the recognized documents by which Parliament directs the Law Courts to rule their proceedings; and the doctrine we are now speaking of is as little countenanced by statute as by reason. Nor will it do to say that the statement that "the Lord Jesus, as King and Head of his Church, hath therein appointed a government in the hand of church-officers," was meant to apply only to an Establishment. It is a general statement, exhibiting the doctrine of Christ's Church, and



was obviously intended to guide men in dealing with the Church, whatever might happen to be its external circumstances.

However, lament it as we may, it is impossible to hide from ourselves that low views of the position of the Church as a divine institution in the world have come to prevail in high places in this country; and this, as has already been said, is reconciling even those who have the strongest views of the utility of an Establishment to our remaining in a position of nonconformity. A reestablishment of the Church at present could be no homage to Jesus Christ. The continued maintenance of the present Establishment does not now imply any such homage. In the eyes of the State, the Church is no longer a kingdom within a kingdom, but a mere collection of individuals, fortuitously and voluntarily brought together; and any endowments granted to it are given on the same principle that allowances out of the public funds are made for the sustenance of the police.

But because these low views prevail,\* it does not follow that we are to acquiesce in them, but the contrary. If the Court of Session chooses to deal with the Free Church as if it were no more than a secular corporation,

\* The demoralizing influence of the subtle Erastianism which is prevalent at present is often revealed unconsciously in the conversation of Established Church people. They will tell you, sometimes with a little flourish, that their Presbyteries are "Courts," whereas ours are mere imitations of the same. You ask, What constitutes them "Courts"? They answer, Our Establishment. Then you admit, we say, that they have been created by the State, and derive their jurisdiction from it? No, they reply. But, we insist, you cannot both have your cake and eat it. If all you mean is that the civil authorities choose to *recognize* your Presbyteries as Courts, good and well, we have nothing to say against it. But you are grossly untrue to your Presbyterian principles if you think that recognition either confers jurisdiction or confirms it.

so much the worse for the Court of Session. It does so on its own responsibility, and whatever evil consequences follow, it will be the bearer of them. Our guilt in the matter will only begin when, instead of protesting against the false assumption, we *condone it*,—and especially when we do so to gain some temporal advantage. It is not the free man who is oppressed that is to be despised, but the man who sells his heritage of liberty for a mess of pottage.

## CHAPTER VIII.

A LAW LORD ON THE LEGAL DECISIONS OF 1843.



HERE are two positions which the Established Church requires to make good. The one is, that the *principle* is a just one on which its relation to the State is based—namely, that when there is a conflict of jurisdiction it appertains to the Civil Courts to determine for *both* which party is in the right. The other is, that these Courts *were* right in what they actually did in the Pre-disruption Period, and that the Evangelicals were wrong in saying that the province of the Church was then invaded. The anonymous champion of the Establishment already spoken of is quite clear upon both points. To him it seems axiomatic that the Court of Session should rule. And he is so satisfied that all the individual decisions were sound, that he summarily pronounces all who differ from him to be either ignorant of the facts or “unscrupulous” perverters of them.

What value the Established Church people put upon the *ipse dixit* of this nameless writer may be inferred from the fact, already mentioned, that they have circulated his pamphlets by thousands; and we may therefore

feel warranted in assuming that they are still prepared to vindicate the decisions out and out, as not involving any intrusions into the spiritual province. The conclusion to which we are thus forced is a lamentable one, because it shows how utterly delusive is the belief, entertained by some, that our neighbours have repented of their Erastianism. That the Civil Courts did in those days, *sometimes* at least, go out of their sphere, and were guilty of trenching upon the independence of the Church, is now admitted throughout the Christian world; and one is alarmed to think of the evidence which has been furnished in this connection that, after thirty years' reflection, even the more intelligent men of the Establishment seem just where they were.

It may be said, however, that we are simply meeting one *ipse dixit* by another. We Free Church people may hold that the Civil Courts did intrude into the ecclesiastical province; but the people of the Established Church have just as good a right to say the contrary. Certainly; and if their arguments are better than ours we are bound to admit as much. But if the matter is to be determined in any sense or respect by authority, it may be permitted to us to express satisfaction that our view of the decisions is sustained by a man who himself adorned the Scottish Bench, and whose acquaintance with the whole subject of which he treats was peculiarly intimate and thorough.

The appearance, at the present juncture, of the "Journal" of Lord Cockburn is most opportune. It contains, among many other things of interest, the private opinions of one of the Judges of the Court of Session with respect

to the contest about spiritual independence which took place before 1843. And we propose simply to let him tell what were the impressions which were produced upon his mind by some of the proceedings as they occurred.

THE AUCHTERARDER CASE.

“*19th March 1838.*—This is perhaps the most important civil cause that the Court of Session has ever had to determine. It implies that the people have very little, if any, indirect check against the abuse of patronage; and that the Church cannot give them any, but that Presbyteries are bound to induct unless the presentee be objected to *on cause shown*: that the mere unacceptableness of the man to the parishioners is not even relevant as an objection; that, in fact, *the call* is a mockery: that though it be the province of the Church to determine whether the presentee be qualified, it is not entitled to hold acceptableness as a qualification: and that it is competent for the Civil Court—*even when the temporalities are not directly concerned*—to control the Church in the matter of induction. The majority made it apparent that their legal opinions were affected by their views of the expediency of the Veto Act. They wish to preserve patronage. I wish they may not have ruined it.”

The italics are Lord Cockburn's, and when they appear in the quotations below they are always to be regarded as his. Let the reader note what is said in the closing sentences of the paragraph. The decisions of a lawfully constituted court are always to be treated respectfully; but such hints as are here given from behind the scenes are well fitted to keep us from the superstition of falling down before them as if they were certainly the utterances of pure reason. A vote of eight men to five—which was the division on the Bench in the first Auchterarder case—was sufficient to settle *the law* for the time being; but it by no means permanently settled the question of whether the law then laid down

was according to justice. And any doubts that may exist on this head are not unlikely to be confirmed by what is here revealed—*that some of the judgments given were manifestly inspired by Moderate prejudices.*

“*6th May 1839.*—The House of Lords has affirmed the judgment of the Court of Session in the case of Auchterarder. There never was a greater cause adjudged in the House of Lords on reasons more utterly unworthy of both. A case about a horse, or a £20 bill of exchange, would have got more thought. Brougham declared that his only difficulty lay in finding out what the difficulty was; which perhaps was a correct account of his own state and of that of his learned compeers. The ignorance and contemptuous slightness of the judgment did great mischief. It irritated and justified the people of Scotland in believing that their Church was sacrificed to English prejudices.”

Lord Brougham's conduct throughout the conflict was most objectionable. He was consulted by Lord Moncreiff in 1833, before the Veto Act was proposed, as to whether the means which the Church thought of taking to prevent intrusion into parishes could be objected to as incompetent by the Civil Courts, and he gave it as his opinion that no danger was to be apprehended in that direction; and in the faith of this opinion the Veto Act was launched. It is quite likely that if the Church had not been so encouraged it would have taken another way of giving effect to the Call. But it was soon seen that no plan that could have been adopted would have prevented the conflict about spiritual independence. And when Brougham declared in Parliament that the opposition of the people, however expressed, could, under the law of patronage, no more avail to arrest the settlement of a presentee than “the kick of the champion's horse on coronation-day could arrest the settlement of



the king," it was made so abundantly plain that the real aim of the Moderate party was to prevent the people from having their rights, that to have abrogated the Veto Act, even with the view of introducing something similar, would have served no practical purpose whatsoever. The Church itself had no doubt about its competency to pass the Act; and all that we can say now is, that if in its concordat with the State it did so surrender its independence as to have deprived itself of the right to pass any such Act, it gave up powers which it had no warrant to surrender.

THE LETHENDY CASE.

"*29th May 1839.*—On the application of a presentee, who stated that he had been illegally rejected on the Veto Act from the parish of Lethendy, an Interdict had been granted prohibiting the Presbytery from inducting another person, to whom a new presentation had been issued by the patron. The Church held this civil interference with what they maintained to be their spiritual duty illegal, and broke the Interdict. On this there was a complaint, and the Court on the 22nd found the complaint proved, and ordered the eight reverend delinquents to appear at the bar in three weeks. Glenlee was absent. Jeffrey and Moncreiff held the interference of the Court incompetent; but the other ten Judges were of an opposite opinion. Fullerton and I were in the minority in Auchterarder; but being now compelled to profess a belief that we were wrong, and holding that there was sufficient civil matter involved to warrant the Court in having protected the interests of the rejected presentee by the precautionary measure of preventing the induction of his rival, we went with the majority here."

A note at this point gives Cockburn's opinion in January 1843. He says then, "I have since been obliged judicially to doubt the soundness of this opinion." He then proceeds in continuation of the above:—

"This judgment is the second deep cut into the nervous system of the Church; for if we can order a Presbytery not to induct, I



don't see that we have not the power to bid it induct. And after this, where is the peculiar power of the Church, especially if this authority of ours be connected with Brougham's opinion in the Lords, the doctrine of which (shallow and presumptuous though his speech be) was, when I stated it in my Lethendy opinion, adopted by all the Judges who had formed the majority in Auchterarder? This doctrine is, that, except in deciding on the presentee's orthodoxy, morals, and learning, and in performing the strictly spiritual act of ordaining, the Church has *no power whatever*; and, in particular, that intrusion and unfitness for the particular parish were things with which the Church had nothing to do. The result is, that the effort to mitigate patronage has ended in making it more stern than ever."

Observe the nature of the doctrine which the majority of the Court had adopted, and by the application of which they rode rough shod over the opposition of the Evangelicals. From it we learn the view they took of "the ecclesiastical province" of the Church of Scotland.

#### THE DAVIOT CASE.

"18th December 1839.—It is thickening. The presentee to Daviot applied for an Interdict against the registered heads of families, *prohibiting them from objecting to him without cause* at the meeting for moderating in his call under the Veto Act; and yesterday the Second Division of the Court granted the Interdict. The Judges present were the Justice-Clerk (Boyle), Medwyn, and Meadowbank—Glenlee, one of the Auchterarder minority, being absent. It was all *ex parte*, and so, I presume, will all that the Civil Court may do now be; at least the Church will probably never make appearance again."

#### THE CULSALMOND CASE.

"4th April 1842.—The majority of the Presbytery of Garioch being Intrusionists, and holding the Veto Act to be illegal, inducted a presentee into the parish of Culsalmond, in spite of dissents without reasons by a majority of communicants, of an offer of dissents with reasons, and in the face of an appeal to the Synod. On this the minority and others applied to the Commission of the General Assembly, which, in November 1841, *dealing with the inducted man*

as for the present minister of the parish, though not excluding the effect of the future objections that had been intimated to his having been inducted, enjoined him to abstain from doing duty 'until a final deliverance shall have been pronounced in regard to the proceedings complained of,' and ordained the minority of the Presbytery to perform the spiritual business of the parish in the meantime. Such an order might have been given, and, indeed, it often has been, although the Veto Act had never been heard of. Nothing is more common than for the Assembly to take upon itself the temporary charge of a parish.

"This order [of the Commission] was brought before the Court by a Bill of Suspension and Interdict. Lord Ivořy, as Lord Ordinary, refused the Bill; and Lord Fullerton, Lord Gillies, and Lord Mackenzie differed from these two Judges, and passed the Bill of Suspension, in order that the case might be more fully tried; but in the meantime they imposed the Interdict. By this Interdict they prohibited not only the execution, but the very intimation, of the order of the Commission; enjoined the minority not to molest the minister, and forbade them to do any ministerial duty within that parish. ....

"The three Judges admitted that there was no *patrimonial* interest at stake, in the usual and proper sense of the word. But the minister being ordered not to do duty, they held that he was 'disgraced and degraded,' and that this raised a civil interest which he had a right to require the Court to pursue; and they were further clear that they were entitled and bound to grant him and the patron protection by subverting what the Ecclesiastical Court had done. Ivory and Fullerton, on the contrary, held that, as the Commission had acted *ecclesiastically, in a purely ecclesiastical matter*, the Civil Court, even though the Church had mistaken or had wilfully violated the law, had no jurisdiction to correct the proceedings by obstructing the ecclesiastical acts, any more than it has to correct acts done illegally, but still within their peculiar sphere, by the Criminal or the Fiscal Courts. In support of this principle, Ivory gave out an excellent Note, and Fullerton delivered by far the best opinion that has yet been given on any of these Church questions.

"Now, it is vain to attempt to disguise that the principle of this judgment does *expressly and directly* subject the Church, *in every sentence it can pronounce*, to the review of the Civil Court. The

principle is, that wherever the Court of Session shall think that the Church, though acting within its peculiar ecclesiastical jurisdiction, has gone wrong and acted illegally, then the Court can give redress, though there be no other civil interest at issue than what is necessarily involved in every order by which the Church restrains its own members, and though the redress be given in the form of directly suspending or permanently prohibiting the execution of the ecclesiastical order."

Our readers will remember that the decision here described stands at this moment on our statute books, defining the relations of the Civil Courts to the Establishment. The Evangelicals protested against it, and, rather than homologate anything so monstrous, they gave up all their interest in the national endowments. But those who remained behind accepted the law as laid down, defended it when it was attacked, and are now living under it. And upon the state of matters as now reached let the reader listen to Lord Cockburn.

"This newly discovered legal Church may be the best of all possible Churches, but it is not the Church which any one Scotchman suspected he had adopted: for though most of the Moderates, with the thoughtlessness natural under the immediate flash of party triumph, pretended to exult in these judgments, there is not one of them into whose imagination the possibility of such things ever entered before; and if the Court of Session had interfered in the same way with the proceedings of *Moderate* General Assemblies, there would not have been one Moderate member who would not have been in arms under Robertson and Hill in defence of the Church. The uses, indeed, to which this ecclesiastical supremacy of the Civil Court may hereafter be turned, make some of the most sensible among them by no means comfortable under their present victories."

To this subject of the suicidal disloyalty of the Moderates Lord Cockburn returns more than once. Thus, after giving it as his opinion (has the opinion no reference to the present time?) that, "though they are now

driven to profess a degree of liberality which would have horrified their brethren in the olden time, this is merely superficial, and the spirit of that time is still in their hearts," he says :—

“Their great error lies in the encouragement which they give to the control claimed by the civil tribunal, and to the rebellion attempted to be practised against the Church by its own sons. They will feel the recoil if they ever recover power; and they are inwardly afraid of this themselves. They know that if the Court of Session had fired Interdicts into the Church in Robertson’s time, as it has done lately, the Principal would have headed the whole battalion of Moderates in charges on the Court; and that not even the form of a conference would have been waited for, before any bold minister had been deposed who had indicated a tittle of the rebellious spirit which his successors have excited.”

SIR JAMES GRAHAM’S LETTER.

“12th January 1843.—The answer from Government to the Church has at last been published.....The remarkable thing is, that on the only, or at least on the chief, points on which sensible men think the Church right, this Government pleading assumes the law to be exactly the reverse of what the Court of Session has found it to be.....No sensible person defends the Church for adhering to the Veto Act, since it has been found illegal; nor for deposing the Strathbogie ministers, on the ground that they obeyed what the Judges told them was law; nor for any disobedience of the law: but what they defend the Church upon is its claim of independence *quoad* the spirituality in purely spiritual acts, particularly in the exclusive right of giving or withholding licenses, of admitting, ordaining, and deposing. Government’s refusal to interfere is founded very much on the statement that in all these matters the Church is absolutely independent. It is so said in express words; but, alas! there is not one of these acts with which the Court of Session has not interfered, and interfered not merely by withholding civil effects, but by controlling the ecclesiastical tribunals in *the ecclesiastical proceeding itself*. I suspect that the Church would close with the Government on the Secretary of State’s terms; but he is not aware that, *as the law has been delivered*, the Court can *always*

reverse the ecclesiastical proceeding, or can by damages compel the Church to reverse it, provided the Court thinks that the Church, though acting within its proper sphere, has gone wrong in law."

We cannot here extend these quotations further; but let us just see for a moment what those we have given amount to. They contain the deliberate opinions of a distinguished lawyer, who was required to deal professionally with the subject in dispute, and that not as an advocate having a side to defend, but as a judge whose duty it was to do justly by all parties. The Free Church has not absolute cause to be satisfied with the view he took of things. He held, for example, that the Court of Session was the proper authority to decide finally for the Church what it was competent to do; and on this ground he insisted that the General Assembly should have repealed the Veto Act when it was pronounced illegal. But there was one thing in which he did agree with the Evangelicals most thoroughly—namely, that the law laid down by the Court of Session was *bad law*, and THAT UNDER IT THE CHURCH WAS LEFT WITHOUT ANY SPIRITUAL INDEPENDENCE WHATEVER.

It is objected that this is the opinion of one who may be said to have become a party in the case. Lord Cockburn was one of the five Judges who formed the Auchterarder minority, and he undoubtedly did what he could to keep the Court he adorned from going out of its province. But to say that he proved his unfitness for forming a just estimate of his times by openly acting out his convictions, is to bring against him the ridiculous charge which infidels are in the habit of advancing against Christian witnesses. What those men said, they



argue, who became partisans for Christ by dying for him is nothing. Tell us what the contemporary heathen said in favour of Christianity who never became Christians at all! That Lord Cockburn should have given judicial sentences in conformity with his opinions was certainly to have been expected. What we have alone to consider is the question of whether the opinions of such a man are worth attending to.

“On the principles of the great judicial decisions of 1843,” says another lawyer,—Mr. Taylor Innes, who is perhaps better acquainted than any man of his profession now living with the subject of which he speaks,—“it is certain that if Parliament were next year to ordain the Church of Scotland to set up the worship of the Virgin Mary, or to ignore in the Confession the divinity or atonement of Christ, all its ministers and elders would be bound to do so.”

This seems an extraordinarily strong thing to say, but reading the history of the period as it is described by Lord Cockburn, we can come to no other conclusion than that Mr. Taylor Innes is right.

## CHAPTER IX.

### THE SEVEN "MARTYRS" OF STRATHBOGIE.



WHEN such men as Lord Cockburn were wont to affirm that the Veto Act was "illegal," what they meant was, that in the opinion of a majority of the Judges in the Court of Session the passing of that Act was *ultra vires* of the Church; or, in other words, that the Church had no right or competency to pass it. And those, therefore, who believe that it belongs to the Civil Court, by a majority or otherwise, absolutely to define the Church's province, must, of course, be satisfied to rest on that opinion as conclusively settling the question. But here lies the kernel of the whole dispute. Very many of the best and wisest men in Scotland held that the Church of Scotland, in entering into an alliance with the State, never meant to divest itself of its inherent rights as a Church; that, even had it been willing, it had no title to do so; and that, as a matter of fact, it never did anything of the kind. Seeing the thing in this light, they came to just such a conclusion as an individual Christian would come to if a Civil Court were to interfere with his liberty of conscience; that is to say, they did, as for



example the early disciples did when they were commanded by the legal authorities of their day not to teach or preach any more in the name of Jesus, or as Daniel did in Babylon when Darius the king issued his famous interdict against prayer,—in plain terms, they disregarded a law which they conscientiously believed to be opposed to a higher law, and took the consequences.

If it be said that, as members of an Established Church receiving pay from the State, they had no warrant to talk in so high a strain about liberty, then you suggest an idea sufficiently startling—namely, that, in accepting such pay, *the Church sold herself to the State*, and became bound to take submissively whatever her master considered it right to bestow on her. Of course, that is out of the question and not to be allowed for a moment. But, you will argue, if she *were* a free agent, voluntarily serving the State for wages, she ought at once to have retired from the house when a serious misunderstanding took place as to the nature of her duties. Well, the fashionable theory now is, that she retired quite soon enough. She did retire in the end. That was the price she paid for keeping on good terms with her conscience. But she thought it right and wise and Christian-like to exhaust all the means in her power to get things rectified before taking the extreme step of breaking up an Establishment which she believed to be a blessing to the country. It is conceivable that she could have managed things more cleverly. Even Lord Cockburn suggests that, by a little "cunning," she might have got all she wanted. Daniel need not have

opened his windows so widely; the disciples need not have flung their spiritual independence principle so blankly in the teeth of the Sanhedrim; the Evangelicals, too, might have bent to the blast, and by a process of thimble-rigging might have nominally repealed the Veto Act to make it undergo a resurrection a day or two later under a different name. But honesty, after all, is the best policy. The battle of spiritual freedom had again to be fought out in our day, and there is something comfortable in the reflection that that battle was fought out so fairly—in an open field without ambushments or dodging.

The question of whether any Christian Church can possibly have a warrant from its Divine Head to commit to lay patrons the unchecked power of appointing ministers to vacant congregations is one which every intelligent Christian man is competent to form an opinion upon. No knowledge of Acts of Parliament or of Scotch or English law is needed in that connection. With regard, however, to the much narrower question of whether, by the Act of Queen Anne, the Established Church of Scotland became legally bound to ordain all presentees without reference to the feelings of the people, it must at once be admitted that the opinion of a trained lawyer on that point is presumptively of more value than that of a trained theologian. And the Moderates have, undoubtedly, something to boast of in the fact that, when the question was debated in our highest Court, *eight* Judges went with them, and only *FIVE* against them. But when, after a generation or two, people come to look at the sentences of Civil Courts as they do at votes

in Parliament, not in their immediate practical bearing upon the proceedings of their time, but in the higher aspect of their intrinsic worth and reasonableness, it sometimes happens that a very different verdict is given upon them from what would at one time have been delivered. Between thirty and forty years ago eight men (some of them letting it be plainly seen that they were influenced in their views of the statutes by their ecclesiastical prepossessions) declared that it was *good* law to give all the power to the patron and none to the people. At the same time, five men, equally distinguished as Judges, declared that in their opinion it was very *bad* law. And now you cannot hinder people in 1875 sitting in judgment on both parties, and coming to their own conclusions as to which had the best of the argument. In doing this, we are not taking it upon us to reverse their sentence. On the contrary, we admit that, for weal or woe, their sentence stands, except so much of it as has been affected by the Patronage Act of 1874. The sting of the Auchterarder decisions lies in this, that they asserted the right of the Civil Courts to prescribe to the Church what it is competent for it to do. *That* stands; and it is our gravest charge against the present Establishment, that it is accepting the pay of the State on the distinct understanding that it is to be allowed to stand. But while we have ceased to fight against a sentence in which we have now no personal interest, we claim the right to say what we continue to think about the ground on which it proceeded, and we are glad to have lived to see the day when all Scotland has been brought to acknow-

ledge that those who now form the Free Church took the correct view of the legal or constitutional situation.

The oldest Judge on the Bench in 1838 was Lord Glenlee. He was a Conservative in his political principles, and on that and other grounds he might have been expected to have been opposed to the popular interpretation of the law; but to him the case was so plain that he spoke of the contentions of the Moderate side with impatience. The Church, he conceived, was manifestly both entitled and bound to ascertain the fitness of every presentee for the particular charge to which he had been nominated. Acceptableness to the congregation was, by the law and practice of the Church, a necessary part of that fitness, and Mr. Young (the Auchterarder presentee) had it not. The Act of 1834 was simply the test by which his want of fitness was ascertained. "Upon the whole matter," said his lordship, "it may be that this is an improper Act; but, for the life of me, I cannot find myself at liberty to say that the Act is *ultra vires*."

It is refreshing to read the speeches which have been delivered in Parliament, and General Assembly, and elsewhere, in recent times, by the political successors of those who opposed all the attempts of the Church to make his acceptableness to the people an indispensable qualification in every presentee. Patronage, in whose interest the Moderates fought, has been thrown overboard; and the people, whom they tried to keep down, are now everything. In so far as non-intrusion is concerned, the Auchterarder decision has been overturned by acclamation, and Lord Cockburn and his colleagues are

admitted to have been right in the view they took of the meaning of the statutes. For the House of Commons was persuaded to pass the Bill, not by abstract arguments about the wisdom of giving congregations the power to choose their own ministers, but by an elaborate exposition by the Lord Advocate of the constitutional history of the Church.

After all, however, it may still be pleaded that the Veto Act was, rightly or wrongly, declared by the Court of Session to be illegal. The law thus laid down may have been bad ; but still it *was* law, and ought to have been respected. It is impossible then, you will say, to vindicate the Church in not at once bending before the storm, and agreeing to repeal it. Very well, then, suppose we admit all that. Good reasons have been given why such a course was not followed ; but, for the sake of argument, we shall allow that these reasons were not sufficient, and that, as a matter of fact, the Church was wrong. But will this admission justify the Civil Courts in the conclusion to which they came, and which is still freely advanced as explanatory of the many otherwise indefensible interferences which took place afterwards with the most purely spiritual things—in the conclusion, namely, that because the ecclesiastical authorities had exceeded their powers, the civil authorities were entitled (as it were, by way of reprisal) to invade *their* territories ? "I have been accustomed to think," says Lord Cockburn, "that the Church, acting within its clear jurisdiction, was no more liable to be controlled by the Court of Session because it erred in law than the Courts of Justiciary or Exchequer are. The *patrimonial*



*consequences* of an illegal act by the Church is another matter ; but can the act be entirely superseded or the anticipated act be prohibited ?" The argument commends itself to common sense. If a Church commits a civil wrong, let the State by all means look after its own interest, and punish in ways competent to it. But to intrude into the Church by way of inflicting punishment, is not to right the wrong but to imitate it ; and for any Church to submit to such intrusion, and by submission to allow it to be lawful and to court its repetition, is manifestly to do dishonour to its great Head and Lawgiver, and to throw away as valueless its heritage of independence.

These remarks will make plain the peculiar significance of the story which we are now briefly to tell.

In 1837 the parish of Marnoch, in the Presbytery of Strathbogie, fell vacant, and the trustees of the Earl of Fife, the patron, presented Mr. John Edwards to the charge. Mr. Edwards was well known to the people. He had been assistant to the former incumbent for three years, and had made himself so unacceptable, that he had been removed at the urgent request of those to whom he had been ministering. When the Presbytery met in the place, therefore, it was found that only one parishioner (Peter Taylor, the keeper of a public-house) was prepared to sign the call, and that of the 300 male heads of families, communicants, 261 were ready to tender their solemn dissent against the settlement. It so happened that a majority of the members of Presbytery were Moderates, and if they had had their way, the presentee would have been settled out of hand, in

the teeth of all the opposition ; but the case was carried by appeal to the Assembly, and by order of that Court Mr. Edwards was rejected. The Court of Session was then appealed to ; and in June 1839 a decree was issued declaring that the Presbytery was bound to proceed, notwithstanding the judgment of the Assembly. As the tendencies of the Strathbogie ministers were well known, and it was fully anticipated that the judgment of the Civil Court would be unfavourable to the Church, the Commission in March had taken the precaution to prohibit the Presbytery from going on with the case, no matter what might be the result of the civil appeal, until the whole matter had been again considered in the superior courts. But the spirit of the seven "martyrs" was now thoroughly aroused ; and as if all acts were holy in so sacred a contest, they resorted to a piece of clever strategy which had very nearly succeeded. The decree of the Commission was, no doubt, *notour* to them all as individuals. But they could have no official notice of it till next ordinary meeting of Presbytery ; and, proceeding on this happy thought, they addressed a letter to the Moderator, asking him to call a *pro re nata* meeting of the Presbytery, to consider the claim of Mr. Edwards to be taken on trial. Their scheme was transparent. They hoped to carry through the settlement in Marnoch with a rush, before their spiritual superiors could interfere. But the plot was defeated by the accident of the Moderator's chair being filled at the moment by an Evangelical, who named in his note calling the meeting, not merely the claim of Mr. Edwards, but *the sentence of the Commission*, and who proposed,



as the day for the meeting, one so near the Commission in November, as to render it impossible for them to do any mischief without interference. Being thus out-manceuvred, they vented their rage on the minority by refusing to allow the *pro re nata* meeting, which they had been the means of summoning, to proceed to any business whatever; and the Moderator was able to bring the matter before the Commission in November, only under the sanction of a protest taken in the hands of a notary. Such conduct seems to have even shocked the Moderates, for the Commission was unanimous in the conclusion which it came to with reference to it. The petition and complaint to which the Presbytery had refused to listen at the *pro re nata* meeting was ordered to be served upon it when it next met for ordinary business. At the same time copies of the deliverances of the Assembly and Commission were directed to be laid upon its table, that it might not plead ignorance of what the mind of the Church was. And, finally, the Presbytery itself was summoned to appear at a special meeting of the Commission, which was called for the 11th of December. There was thus given a clear space for reflection and repentance; but the men had chosen their part, and were prepared to play it. On the 4th of December, the ordinary meeting of the Strathbogie Presbytery was held, and the case of Mr. Edwards was, in defiance of the Commission, proceeded with. Even to go so far was rebellion against the authority of the Church; but the manner in which the case was conducted was so violent and offensive, that the *animus* of the offenders was made apparent to all. The parishioners

of Marnoch appeared by an agent to protest against the intrusion of the presentee; but they were not allowed to be heard, nor was even the fact of their presence suffered to be mentioned in the minutes.

The Commission assembled on the 11th of December, and the "martyrs" appeared by counsel at its bar. They came there, however, with no intention of turning back. Sundry technical objections were offered by them to the court proceeding with its business; but their advocate was instructed to intimate in effect that they had no thought of doing anything else than what they had done—that is, taking their orders about the settlement at Marnoch, not from the General Assembly, but from the Court of Session. Under these circumstances, the Commission could do nothing else than assert its authority by passing upon the ministers who were thus braving it an Act of Suspension. Some have professed to be shocked at this proceeding as intolerant, and have even compared Mr. Cruickshank and his friends to Gillespie of Carnock, who was driven out of the Establishment by his Presbytery insisting on his performing a ministerial act against his conscience; but it requires a very bright imagination to see any parallel between these cases. The Strathbogie men were required to *do* nothing. All the responsibility in connection with the ordination at Marnoch the Assembly was quite willing to undertake. And they had very curious consciences indeed if it was under their constraint that they were in such desperate haste to honour the Civil Courts at the expense of the Church, and to thrust an unacceptable minister upon a reclaim-

ing congregation, at the call of one single individual. All this was seen so clearly, that the vote in favour of suspension was 121 to 14.

Next day the seven "martyrs" (as they have been facetiously called) served upon the Moderator a notarial protest, holding the 121 who had given their voice against them liable in "all cost, skaith, damage, and expense," that might in consequence be incurred; and four days later it became plain that this was not to be an idle threat. They then held what they called a meeting of Presbytery (it will be remembered that they had been suspended by their lawful superiors, and were at the moment incompetent to discharge any ecclesiastical function), and came to the resolution of making an appeal to the Court of Session. They asked that Court "to suspend the resolutions, sentence, and proceedings of the Commission," and to "prohibit and discharge" the minority of the Presbytery from carrying the instructions of the Commission into effect. Further, they asked that the minority should be interdicted from exercising the powers conferred upon them by the Commission to act as the Presbytery of Strathbogie, and from performing any ministerial duty in the parishes of the suspended ministers. And, finally, they prayed that the minority, and the ministers appointed by the Commission as their assessors, should be prevented from intruding into these parishes, even to *intimate the sentence of the Commission*. The very largeness of this petition is significant. It shows us what manner of men were the seven "martyrs" of Strathbogie. They were champions of whom the Moderates had cause to be proud—men who,

having a good principle, were prepared to go through with it—who, starting from the point that the Church is subject to the State, could feel perfectly at rest only when the liberties of the Church had been trampled in the very dust.

Strange to say, the Court of Session hesitated to go the full length of what it was asked. It granted an Interdict as craved, but it was only to the extent of prohibiting the minority or others from intimating the Commission's sentence in the national churches, churchyards, or schools. To the terms of this Interdict nobody seriously objected. The Civil Court had undoubted authority over these places, and its commands in reference to them were scrupulously obeyed; but the Church proceeded with its own work for all that. It was the dead of winter; but the ministers appointed to execute the sentence betook themselves to the market-places of the villages, and to the open fields, and being there invariably surrounded by crowds of people, they not only did the Commission's bidding, but preached with power and effect the glorious gospel of the blessed God.

These results were not quite what the "martyrs" had expected. What they wanted was to shut out the Church from their parishes altogether; and they returned to the Court of Session with a pressing request that the whole of their original prayer might be answered. Nor did they now ask in vain. Lord Murray, the Ordinary, refused to go further; but on appealing to the Inner Court, a sentence was given in their favour by a majority. Lord Fullerton warned the

Court that it was exceeding its powers. "What were their lordships called upon to do," he said, "but to determine, if not in express terms yet by necessary implication, that these reverend gentlemen [the suspended ministers] were entitled to exercise the functions of the holy ministry, and were entitled to administer baptism and dispense the holy communion, and that in defiance of their ecclesiastical superiors, from whom alone their spiritual privileges were derived. Unless the whole distinctions between civil and ecclesiastical law were at once overthrown, their lordships could not pass a Note of Suspension of this kind." The warning was not heeded. An Interdict was issued, prohibiting any but certain specified individuals from preaching in a certain district of the country; and thus not merely the sentence of the Commission, but the commission of Jesus Christ to his Church, was suspended by the order of a Civil Court. But here the Court overshot its mark. The best ministers in Scotland point blank refused to obey a command which directly traversed the law of their Lord; and they went out of their way to show how little they regarded it. By rights they ought to have been fined or imprisoned for this; but a shrewd suspicion had gone abroad that the Court of Session had got into a scrape by issuing such an Interdict at all, and though there were many offenders, no one was punished for his disobedience. "The celebrated Interdict against preaching," said Chalmers, "has at length opened people's eyes."

In the midst of all this the Church did not abandon the hope that the seven suspended ministers might be



brought to a better state of mind ; and three of the most honoured ministers of the Church—Dr. John Bruce, Dr. Robert Gordon, and Dr. M'Kellar—proceeded, at the request of the Commission, to Aberdeen, to hold a friendly conference with the erring brethren. On their arrival, however, they found not those they wished to see, but a lawyer, who handed them a document declining the interview.

The position of the seven ministers was now that of declared rebels ; and, of course, if there had been nothing more that the Church could do in the way of vindicating its authority with reference to them, it might have been content with simply outlawing them. But it could not stop short at the point it had reached ; and the General Assembly of 1840 had enjoined the Commission in August to take the necessary steps for serving them with a libel, if they still continued up to that date to be contumacious. The Commission came, and the men were as before. On the motion of the Procurator, therefore, the case against them proceeded ; and in the November following the relevancy of the libel was sustained.

In the meantime, Mr. Edwards grew impatient on account of his having been so long kept out of his benefice ; and by the advice, it is believed, of the suspended ministers, who only wanted an excuse for completing the work they had begun, he went to the Court of Session, and asked it to command the Presbytery of Strathbogie forthwith to admit him as the minister of Marnoch, "or otherwise to pay to him, Mr. John Edwards, the sum of £8,000, in name of damages." The seven "martyrs" hastened to assure the Court that re-



bellion against the law of the land was not in all their thoughts, and that they were perfectly willing to yield obedience, in the matter submitted, to "the decrees of this Court." A decree was given accordingly; and on the 21st of January 1841 the pretended Presbytery of Strathbogie met at Marnoch, to proceed to the ordination of the presentee. The parishioners assembled in the church before the services commenced, and having challenged the right of the suspended ministers to undertake what they had in hand, and entered their solemn protest against the outrage, they all left the building. But curiosity had brought a sufficiency of strangers from abroad to witness the extraordinary ceremony, and Mr. Edwards was in their presence set apart, in form at least, to the office of the ministry.

This incident did not, of course, make the duty of the Church seem less plain than it had done before. The probation of the libel was completed at the Commission in March, and in the May following, after a long and important debate, the rebellious ministers were deposed by the General Assembly. Dr. Chalmers moved the sentence; and referring in his speech to the plea which had been set up, that the accused were martyrs to their conscientiousness, he said: "Sir, I know not what the inward principle of the ministers of Strathbogie may have been, nor will I attempt any conjecture on this subject; but I do know that, when forbidden by their ecclesiastical superiors to proceed any further with Mr. Edwards, they took him on trial; and when suspended from the functions of the sacred ministry by a Commission of the General Assembly, they continued to

preach and to dispense the sacraments : that they called in the aid of the civil power to back them in the exclusion from their respective parishes of clergymen appointed by the only competent court to fulfil the office which they were no longer competent to discharge : and, lastly, as if to crown and consummate this whole disobedience, as if to place the top-stone on the Babel of their proud and rebellious defiance, that to the scandal and astonishment of all Scotland, and with a daring which, I believe, themselves would have shrunk from at the outset of their headlong career, they put forth their unlicensed hands on the dread work of ordination ; and, as if in solemn mockery of the Church's most venerable forms, asked of the unhappy man who knelt before them if he promised to submit himself willingly and humbly in the spirit of meekness to the admonitions of the brethren of the Presbytery, and to be subject to them and all other Presbyteries and judicatories of this Church.....Sir, I repeat I am not able to go in to the depth of men's consciences ; but this I am able to perceive, that if in heresy this plea [that a man was *conscientious* in what he did and said] were sustained, the Church would be left without a creed ; and that if in contumacy this plea were sustained, the Church would be left without a government."

Even at the last the grand resource of the "martyrs" did not fail them. Two days after their deposition, the Moderator interrupted the business of the Assembly to say that he had received a note, intimating that a messenger-at-arms was at the door with an Interdict. The news produced a profound sensation, and a good

deal of indignation was let off in consequence. But the interest of the story ends here until it revives again after the Disruption. By the 22nd of May 1843, the band which, according to Lord Cockburn, "contained the whole chivalry of the Church," had followed the blue banner of the Covenant down to Tanfield, and the remanent General Assembly was engaged in the delightful work of passing Acts Rescissory. At such a time those who had suffered so much for the cause that was now triumphant could not be overlooked, and Dr. Mearns moved that the sentences which had been passed upon them should be—not reversed—but declared to have been null and void *ab initio*; and that the ministers must be held and recognized as having always been, and as being now, in full possession of all their ministerial and presbyterial rights and privileges. This motion was opposed by some of those unfortunate individuals who had actually voted for the deposition of the "martyrs," but who had not had faith enough to become Free Churchmen; but their protest was vain. Dr. Mearns carried his point by a majority of 145 to 33; and thus the Church, as such, identified itself with the rebellion of Strathbogie, and stands committed at this hour to the principle that when the Court of Session disapproves of any act of the Church, it possesses the right and power to produce a paralysis throughout the whole system.

The recognition of the Strathbogie ministers by the Established Church is one of the facts which no loyal Free Churchman can get over. It was open to the Assembly to have said: We think these men have been

unjustly treated, and we hereby rescind the sentences under which they have been lying, and give our sanction retrospectively to the ministerial acts which they have been performing in a state of suspension. That would have answered the honour of the Church and its authority. But when it ignored the proceedings of the Spiritual Courts altogether, and acted as if the Court of Session were alone competent to say who are ministers and who are not, an attitude was assumed which implied a direct denial of the doctrine of the *Confession*, that Christ, "as King and Head of his Church, hath therein appointed a government in the hand of church-officers, distinct from the civil magistrate." Erastianism was thus admitted, not unwittingly through an unguarded postern, but openly and unblushingly through the gate. Nay, more, it was deliberately *crowned*. The Church, as by law established, took its stand by the side of men whose contempt for ecclesiastical authority was wanton and reckless—it hastened to announce to all the world that it honoured them for their rebellion; and, until that blot has been removed, it is impossible that any one who believes in spiritual independence can hold any other opinion than that it—the Established Church—is living in practical denial of the Crown Rights of the Redeemer.

## CHAPTER X.

### THE ESTABLISHED CHURCH SINCE THE DISRUPTION, AND THE PATRONAGE ACT.



IN the Established Church, after the Disruption, we see the Moderate party once more on the crown of the wave. There were still Evangelicals to be found in it here and there; but as an organic force *they* were now outside, and the general drift of the remanent body was revealed without any mistake in the deliverances of its first Assembly.

We have noticed what was done with the deposed Strathbogie ministers. Without even the form having been gone through of rescinding the sentences passed upon them by the Church, they were declared to have been always ministers, these sentences notwithstanding,—the judgment of the Civil Courts being accepted as sufficient to make of none effect the most solemn deliverances of the Supreme Courts of the Establishment.

The Veto Act was dealt with as summarily. Dr. Cook, the Moderate leader, was grimly jocular about it. He declined to enter upon “the merits of their departed friend the Veto Law;” but moved that “it be an instruc-

tion by the General Assembly to all Presbyteries, that they proceed henceforth in the settlement of parishes according to the practice which prevailed previously to the passing of that Act." The proposal grated a good deal upon the feelings of some of the members. Even the Procurator, the legal adviser of the Church, refused to be a party to it, and moved that an overture be transmitted to Presbyteries for the repeal of the Veto Act in the old constitutional way. Mr. Story of Roseneath supported this motion. "The Act," he said, "was an ecclesiastical Act, and must be cancelled ecclesiastically." In this view Dr. Norman M'Leod concurred. "He wished," he said, "to repeal the Veto constitutionally." And to the same side Principal Lee inclined. "He hesitated with regard to the degree of weight which might be given to a House so inadequately representing the Church." But all remonstrance proved vain. The Moderates were eager to show to all the world how willing they were to take the law, even upon all ecclesiastical matters, from the Court of Session, and of what little account the authority of the Church was in their eyes, and the Veto Act was declared to need no killing, but to be already dead and gone. On this head the mind of the Assembly was so unmistakably indicated that Dr. Cook's motion was allowed to pass without a vote.

But almost more significant than the proceedings in either of these cases was another decision of the Assembly affecting the ecclesiastical standing of a considerable number of the ministers and congregations of the Church. Originally there were only parochial charges in Scotland, and the incumbents of these were all



*Presbyterian* ministers in the full sense of the term ;— that is, they were all ordained not merely to preach but to rule. But as the population of the country increased, other places of worship came to be erected, and into these were gathered, in many instances, large congregations. Under the Moderate régime such charges were kept in a state of hopeless pupillage. They were not allowed to have Kirk-Sessions of their own. Their ministers were not acknowledged as members of the Presbyteries within which they resided. And in consequence of their being thus denied the full advantage of the Presbyterian system, they were like a man called to engage in a fight with one of his hands in a sling. When the reforming spirit appeared in the Church, therefore, this was one of the first anomalies to the rectification of which it addressed itself. In 1833 the ministers of the Parliamentary Churches were admitted to the exercise of the full rights of their spiritual office ; in 1834, the ministers of Chapels of Ease were in like manner enfranchised ; and in 1839, the General Assembly, in admitting a seceding body into the Church—the Old Light Burghers—recognized its congregations as in full Presbyterian standing. When the Moderates returned to power, however, they hastened to change all that. Lord Belhaven moved that the Acts referred to should be rescinded ; but Mr. Robertson of Ellon, and Dr. Cook, would not even condescend to go so far. They held that the Acts had been “incompetently passed,” for so the Court of Session had declared in the Stewarton case ; and once more the obsequious Church applied the sponge to its own deliverances. The law then laid

down still rules. So completely has the Presbyterian Church, which is now established in Scotland, surrendered to the State its power of self-government, that, if Dr. Candlish and the congregation of Free St. George's, Edinburgh, had been willing to connect themselves with it, they could only have done so at the cost of having their Kirk-Session suppressed, and their minister excluded from Presbytery, Synod, and General Assembly ! It is true, that a congregation so wealthy might soon have regained its status. But how ? In a manner which only makes the disloyalty of the system appear the more glaring. *They could have secured a property qualification.* By raising a certain sum of money, they could have gone to the Court of Teinds and *purchased* the right to have their ecclesiastical standing recognized. You will say that an Act of Parliament might put that all right perhaps. But, besides that you make a deplorable admission when you say that such a thing is needed, it is to be remembered that the need for such an Act of Parliament has not even yet been felt. The Church which is now in possession of the national endowments is a Presbyterian Church which believes in representative government, and government by Kirk-Sessions and Presbyteries ; and yet, without the consent of the Civil Power, it cannot carry out in any locality its own system. Let a congregation be ever so numerous and well supplied with spiritual gifts, the Established General Assembly cannot say to it, "Choose you out men whom we may ordain to have the rule over you ;" and let its minister be ever so distinguished, it cannot say to him, "Go and give the Presby-

tery of the bounds the benefit of your counsel." That is the state of matters as it exists at this moment. We have heard of no movement in the direction of seeking deliverance from this yoke of bondage. And we are, therefore, warranted to conclude that the principle laid down in 1843 is still accepted,—that it is for the State and not for the Church to determine what congregations shall have Kirk-Sessions, and who shall sit in Presbyteries and General Assemblies.

One other memorable thing which the Post-disruption Assembly did was to give its consent to Lord Aberdeen's Act, by which the principle was established of a Veto *with reasons*. It is needless to say anything about this famous principle now. All that the Non-Intrusionists affirmed in regard to its objectionableness has come true, and the Act itself has been abolished by universal consent. The Established Church, however, started with it in high hope, and for a good many years we heard of nothing but of mutual congratulations among the members on the subject of the great improvement which had taken place in the internal condition and management of the Church in consequence.

How the change has come about which is compelling the Nonconformist Churches to reconsider their relation to the Establishment is well known. The spread of liberal ideas in the country, resulting in the popularizing of the public services, in the extension of the suffrage, and, above all, in the disestablishment of the Irish Church, naturally enough produced a feeling of apprehension in the minds of those who were responsible for the maintenance of a National Church in a nation

where a large proportion of the people are outside of it. They could not tell how soon the silent tide of change, which was creeping over the land, might reach the foundations of that institution in whose support they were interested ; and, with a forethought for which they are to be commended, they began to consider what they could do to prepare it for the worst. And the pressure of the times now did for them what the still small voice of reason had, often before, tried in vain to accomplish. They became persuaded that lay patronage is opposed to the genius of the Scottish people, and that, consequently, its presence in a Scottish Church is a source of weakness ; and so they resolved to raise the old cry of "The Abolition of Patronage."

We commit no breach of charity when we say that this movement was totally different in kind from those others which we have had occasion to notice in the preceding pages. It was not a spiritual movement, and did not pretend to be one. Its leaders had no heart dislike to patronage for themselves, nor did they plead for its abolition on grounds of Scripture, or in the interest of the rights of the Christian people. Dr. Pirie, the Convener of the Assembly's Committee on the subject, made no secret of the reasons why he desired a change. It was because, in his opinion, the ecclesiastical conditions of a country must follow its political conditions or Church and State will tear each other in pieces. In other words, we live, he holds, in a democratic age, and we must be democratic in our Church principles. The movement, therefore, was confessedly a political one.

At first it did not meet with a great deal of encourage-

ment. When a deputation waited on the Prime Minister of the country some years ago and asked, in effect, that the constitution of the Established Church might be changed in the interest of its present members, Mr. Gladstone asked if those who had been driven out of the Church by the very parties then conferring with him, had ever been spoken to about the matter. It was a very pertinent question, for the endowments were intended not for a sect, but for the nation, and it seemed reasonable that those who were virtually acknowledging themselves to have been wrong, should be asked to take into account the case of their brethren who had been injured by them. But the question was disagreeable, and no other deputation ever came back to have it repeated. A great political revolution, however, gave them a chance that was little expected. At the general election of 1873 the Tories gained such a majority in Parliament that they became capable of carrying any measure which they liked to set their hearts upon; and the friends of the Establishment took eager advantage of the opportunity. A Bill for the Abolition of Patronage was suddenly introduced into the House of Lords, and carried there at the gallop. In the House of Commons the opposition was more serious, a considerable minority voting that no radical ecclesiastical change of any sort ought to have been proposed in Scotland without a full inquiry being first instituted into the circumstances of the country; but the Church had the Government at its back, the Government had a well-disciplined majority ready to do its bidding, and so a measure passed triumphantly which shows Moderatism attempting to build on the basis of a Democracy.



We are sure we can say sincerely that we hope the change made in the method by which Established Church congregations are henceforth to secure ministers, will result in a very large amount of spiritual good. No Scottish Presbyterian can possibly doubt that there is more probability of evangelical religion flourishing under the present system than under that which has passed away. And since one step has been taken in the right direction, we shall look hopefully for more to follow. But those who imagine that what has happened has drawn true and intelligent Free Churchmen more closely to the Establishment are, we fear, labouring under a delusion. For, in the first place, *recent debates in Parliament have strengthened our suspicions of all legislation with reference to the internal arrangements of Christ's house.* And, in the second place, the avowed purpose of the Bill, and the spirit in which it was supported, were far more fitted to widen the breach than to diminish it.

It is one of the inevitable results of our having lived for thirty years separate from the State, that we have come to have even more sharply-defined ideas than we once had as to what kind of union between Church and State can be regarded as lawful. It has always been the belief of the Church of Scotland that the State is one power and the Church another, and that if these two agree to enter into an alliance it must be on the principle of each recognizing the other's independence. That this has not always been kept in view in the past is notorious. Even Evangelical men, with sound theoretical views of the Church, have sometimes felt themselves so em-



barrassed by circumstances as to feel compelled to seem to concede a right to Parliament to transgress the strict line of demarcation between the provinces. But now we are in the open. There is nothing whatever to force us to admit anything but what appears absolutely right; and in this position we object, at the very outset, to the principle of the Lords and Commons doing any such thing as that of regulating the appointment of ministers to vacant congregations. In our judgment, a matter of that kind is INTERNAL,—something with which the Church alone has to do; and the people ought to be allowed to exercise their privileges in virtue of their inherent right to do so, not on account of certain privileges conferred upon them by any secular legislature. Some may think this hypercritical, but they will not continue to do so if they seriously consider the following account given of the meaning of the Patronage Bill by the Duke of Richmond, who introduced it. The Duke said: “He had been astonished to find it objected to the Bill, that in changing the method of election of ministers the Bill did away with Patronage altogether. *It merely changed the right of election of ministers from the persons who have the power to do so now and placed it in the hands of other parties. Patronage still exists, but the parties who have the right of selection were a different constituency.*” Now this may be thought a distinction without a difference; but it is not so. The Duke perfectly understood what he meant to be at. He wished the House to understand that it was not proposed to *throw away* a privilege—to divest the Government of a right so completely that they could never again recall it. That civil

power which the lay patrons had possessed to appoint men to charges was now to be transferred to a popular constituency, but the essential nature of the power was not to be changed—that was to continue the same as ever. And the inference was plainly suggested, that if at any future time their lordships thought better of it they could take back their gift and bestow it upon others who would serve their purpose still more effectually. It is a simple matter of fact, therefore, that what has been secured to the Establishment is not a Parliamentary recognition of the Church principle that it appertains to congregations to choose their own ministers, but merely an Act of Parliament declaring, for the time being, in whom patronage is “vested,” and making regulations about the settlement of ministers which would appear much more in their place if they were found in the proceedings of the General Assembly. We cannot, therefore, for a moment, allow that the Established Church has now got—even in this connection—what is possessed by her Nonconformist sisters. The rope has been lengthened, but it has not been cut. And now that the principle has been once more conceded that Parliament has a right to lay down laws for the internal management of the Church, it is at least within the bounds of possibility that it may by-and-by try its hand at regulating for Scotland as well as for England the form and order of its worship. In such circumstances the Free Church will wisely stand aloof. The times are not such as to render it particularly prudent to put the control of the religious forces of the country into the hands of secular politicians.

But we have good cause on other grounds to dislike this Bill. With its avowed design—the strengthening of the existing Establishment—we could have been expected to sympathize, only if we had made up our minds (which we have not) that on that result depend the deepening and extension of the religious life of Scotland. As it happens, our hopes for the future are not particularly bound up with the existing Establishment. We see very clearly how, if it does not undergo a far more radical reformation than it is now thinking of, it will prove an increasingly serious hindrance in the way of the triumph of Evangelical principles; and we cannot persuade ourselves that anything very lamentable would happen if it were to cease to-morrow.

And, feeling in this way, we have no inducement to overlook what is objectionable in the Bill otherwise. It is a Bill whose moral aspects, if we may so speak, are not attractive. It represents a Church seeking non-intrusion from no higher motive than that of putting itself politically on a level with the times; and it represents a State, which turned a deaf ear to a faithful and reforming Church, conceding, as it believes, what that Church asked in vain, to those who formerly opposed it to the death. Nor have things been made better by the total absence of magnanimity which has appeared in the conduct of its supporters.

“Those who afterwards became the Free Church,” said Mr. Gladstone in his place in the House of Commons, “were the heirs of those theological and religious traditions which were connected with the Scottish Reformation.”

The Duke of Argyll quoted that remark and assented to it. He also had no doubt that the Free Church possessed the "succession" of the ancient and national Church of Scotland. But he went further. "I did more," said he, [than recognize in the Evangelicals the heirs of the Reformers;] "*I recognized them as in the right.* I had no doubt that their views were, practically, perfectly compatible with the National Establishment. I did what I could to convince the Government, and the Legislature of 1842, that it would be wise and just to concede such terms as they would accept."

From these two kindred testimonies two very different conclusions were drawn. The Duke said, "This is undoubtedly the heir—*come, let us kill him.*" Mr. Gladstone reasoned more justly and more generously. "I contend," said he, "that the Dissenting bodies in Scotland are entirely to be considered in this matter. I do not blame the learned lord for framing the Bill from a Church point of view, but rather for taking it from that point of view entirely. He says he has framed it to strengthen the Church; but how does he strengthen the Church? By weakening the other bodies. You leave the Free Church as a body, and the United Presbyterian Church as a body, to shift for themselves.....You would endeavour, not to bring back bodies into reunion, but the adherents here and there as you can catch them, in a manner totally devoid of consistency, wisdom, and prudence.....The learned lord's speech to-night has been like a repetition of the pamphlets I read in 1842 from the mouths of those who formed the Free Church. They were contemptuously spurned, they were cast aside, and

you introduce this Bill, which is a cry of *Peccavi* on the part of the Church of Scotland. If it is a confession of wrong, there is along with penitence something else necessary, and that is *Restitution*."

The two bodies referred to have had too much self-respect to take up Mr. Gladstone's position, and demand restitution. But they had some cause to expect that their historic claims would meet at least with consideration. But no. A modest proposal, that before any legislation was proceeded with, an inquiry should be made into the whole ecclesiastical condition of Scotland—an inquiry which was shown to be necessary by, for example, disputes as to the religious profession of the inhabitants—was summarily dismissed; the idea was resolutely discountenanced that those who had been driven out of the Establishment had any title to say a word on the subject of the reëdjustment of its relations to the State; the plot was unblushingly developed of (as Dr. Kennedy has well expressed it) raising "an imitation of the Free Church banner" within the lines of Establishment, to decoy deserters from our ranks; and such eagerness was shown to make the most of the unexpected return of the Conservatives to power as to leave upon the minds of all of us the ineffaceable impression that we have not only seen a gross piece of class legislation, but have been made the victims—so far as the thing can make victims of us at all—of a not very creditable *coup d'état*. We dislike the Bill in itself, therefore; but we still more dislike, if possible, the spirit in which it has been carried through Parliament.



## CHAPTER XI.

### WHAT THE FREE CHURCH OUGHT NOW TO DO.



WE have no doubt at all that many gave their support to the Patronage Bill under the honest belief that through it lies the best and shortest road to the unification of the Church in Scotland. Those who came to that conclusion did so on the assumption that our differences are to be ended by the *reconstruction* of the Establishment, and by the gradual reabsorption into it of the various outlying bodies of Seceders. Others hold that unity in that direction is no longer to be looked for, and that before the Church of Scotland can be reorganized there must come a *dissolution* of the Establishment. Much may be said on both sides, and much has been said. The new attitude assumed by the Established Church was a challenge to the Non-conformists who surround it, and a Disestablishment agitation was inevitable. We are yet to see what is to be its issue.

In the meantime there is a question of present interest requiring attention—namely, this, *What ought the Free Church now to do?*



That question we can afford to deal with in a calm and dispassionate way. Our Church has now maintained its position in a disestablished state for fifty years ; and, as it looks back, it may well thank God, and take courage. In 1843, some four hundred and seventy ministers left the Establishment : the number of our charges now is over a thousand. We have covered the whole land with churches and manses, proving that ministers can be sustained in the poorest districts. Our three Colleges train more students yearly than are to be found in all the halls of our universities. Our income is by far the largest received by any Church in Scotland. And, not to mention other things, the missions which we maintain in heathen countries are greatly more extensive than those carried on by the Church from which we separated. No one will say that the Free Church movement has been a failure, or imagine that we cannot afford to wait, for another generation if necessary, to see a satisfactory settlement of the ecclesiastical situation in Scotland.

But we may contribute even now something toward the reaching of that settlement by indicating what we believe to be at present the attitude of the Free Church on the whole toward some of the burning questions which have been raised in this connection.

And, first of all, with regard to the State, we are, I am sure, unanimous in thinking that it is under law to Christ, and that that fact ought to be kept as much as possible before it. On this point the famous Articles of Agreement, accepted by the Union Committees in 1867, are perfectly explicit. "Civil government," it

is said in them, "is an ordinance of God, for his own glory and the public good ; to the Lord Jesus Christ is given all power in heaven and on earth ; and all men in their several places and relations, and therefore civil magistrates in theirs, are under obligation to submit themselves to Christ, and to regulate their conduct by his Word." What particular things, however, a State should be urged at any one time to do, is another question, and few will argue that under all circumstances it is its duty to establish a Church. In Spain, for instance, there is at present a little Protestant community, which we believe to be the only body in the country proclaiming the truth ; but it would be monstrous to say that the Spanish Government was offering homage to Christ if, for some political reason, it singled out these Protestants for public favour ; and although the cases are not absolutely parallel, it seems to us equally preposterous to speak of our own Parliament, which is composed not only of Protestants but of Papists, Jews, Unitarians, unbelievers, and pagans, as offering homage to Christ in maintaining our present Establishment.

To talk in such a strain we will not call *cant*, because many are quite honest and sincere in using the language ; but we will say this, that those who represent things in the way we have described are practising a deception on themselves.

With a Parliament like ours, composed of such materials, the utmost that we can reasonably and intelligently urge them to seek after is *justice*. The law written on their hearts is sufficient to sustain that

claim ; and while we urge them to look up to Christ, we must not seek to make them hypocrites by getting them to profess a respect which they do not feel. *What is just ?* is the question which we ought to press on the attention of our rulers, and in its light we should view whatever agitation may be at present proceeding in reference to Disestablishment.

As to our own future relations to the State, we confess to not being able to understand the eagerness with which good men among us continue to look to the possibility of our being, as a Church, re-established. These men are alarmed and indignant when they hear from Free Churchmen the cry for Disestablishment. If such a thing were to occur, they think it would destroy their own chance of a reunion with the State ; and to keep that hope alive, they are content meanwhile to sustain an Establishment of which they disapprove. One wonders if they can have read our Church history. Experience teaches fools. What has happened in the past might well convey a lesson of caution. We do not say that a free-established Church is not possible ; but it is not within the longest sight, and the case of Geneva and other places teaches that just as little is to be expected from a godless democracy as from such a monarchy as that of Charles II. In the meantime, the Church is certainly safest in keeping free of political entanglements.

About the Established Church, it is all important to remember that, speaking historically, *it simply represents the Moderate party*—that party which drove the Erskines, the Haldanes, and Chalmers into Noncon-

formity, and which, at the bidding of the Court of Session, set aside the Veto Act, shut the chapel ministers out of Presbyteries, and recognized as in full standing the ministers of Strathbogie who had been deposed by the General Assembly. They hold the Establishment and the endowments by right of law. The legal judicatories decided in their favour. But we have never acknowledged that they have a title in equity to their present position, and, as Lord Macaulay once said in the House of Commons, "if Knox and Henderson and Boston were alive, they would find a home in the Church of Chalmers and Brewster, not in that of Bryce and Muir." We entirely sympathize, therefore, with those who argue that, in justice, the present incumbents of our parochial charges ought to be removed, and their places filled by ministers of the Free Church. That is our technical contention. We cannot carry our ideas into effect, nor, if we could, would we care to do so. But there cannot be a moment's doubt about the fact, that such is our proper testimony; and we would have more respect for the "constitutional" position if those who maintain it would agitate for the disestablishment of the Church, now inequitably in possession, with the view of their being put in its room.

But, we are assured, the passing of the Patronage Act has changed all that. Well, I should like to say a few plain things on that subject, even although I may be guilty of some repetition. And, in the first place, I would remind the reader that the proposal to pass that Act was no indication of a change of mind

on the part of the Moderate party. When the Veto Act was adopted in 1834, the significance of the event was well understood. It marked the turning of a tide—the rise into power of the Evangelicals—who devoutly believed that in a ministerial settlement the element of acceptability was indispensable to spiritual success. The agitation in 1874 had no such origin. It sprang wholly and professedly from political calculation. Men saw the advance of the democracy, and bowed before it. The Evangelicals remained as before. The Moderates led, in the interest of expediency.

Let us see, however, what the Act really was. People are accustomed to speak of it as one for “the abolition of Patronage.” That is not its own designation. Its title was, “*Act to alter and amend the laws relating to the appointment of ministers to Parishes in Scotland.*” In its preamble it says, “Whereas it is expedient to repeal and *provide otherwise* for the appointment of ministers of the Church of Scotland as by law established.” “In terms of the Act,” it regulates the mode of electing ministers, giving to the people the power of choosing men only for six months. And, further, it confers the right to vote at an election not only on communicants but on adherents.

Under such a measure, Patronage is not abolished. It is only *transferred* from one party to another. The State does not stand aside and recognize the principle that “it appertains” to the people to choose their own ministers. It deals with the franchise as if it were a civil qualification, which is only to be exercised in a particular way and for a set time, and which may at any



moment be withdrawn. Even in this connection, then, the Erastian trail is visible; and in conceding so much to the Establishment, Parliament has by no means given what the Evangelicals always desired, that the Church should be left free to regulate in its own way so spiritual a matter as that of the formation of the pastoral tie. The Established Church is not in the enjoyment of what ought to belong to it, as a Church, by right—the free privilege of popular election.

But even although things had been more satisfactory in that connection, there would still remain the unrepealed sentences of the courts of law—sentences which proclaim that the Established Church is willing to place its liberties in the safe keeping of these courts, and is prepared to submit to them to any extent. There are few chapters in the Church history of Scotland more humiliating than that which tells of what took place in the Established Assembly of 1843, after the Evangelicals had left it. Dr. Cook actually joked about the Veto in dismissing it; and the Acts Rescissory, by which a sponge was lightly drawn over the most solemn conclusions of Assemblies—professedly at the bidding of the Court of Session—will ever remain as an inexpiable scandal at the door of those who passed them. For those Acts the Church is responsible. They define its position. They show that it regards the Queen as supreme in all causes, civil and ecclesiastical. And, as long as this state of things continues, we must in the most earnest way maintain our protest.

We shall be reminded, however, of the efforts made by Mr. Finlay to tide over this difficulty. It is indeed



gratifying to find that after so many years, the testimony of the Free Church has been so effective. One "imitation of our banner" (as Dr. Kennedy puts it) was attempted in the Patronage Act; and we see another in the endeavour which has been made to secure the recognition of spiritual independence. But Mr. Finlay's Bill has not been carried; and even if it were, it may well be questioned whether it will meet the situation. What we are now chiefly concerned about is to get the State to recognize all Churches to be more than Voluntary Associations, and that end will not be gained by singling out the Church of Scotland.

It is vain, then, we fear, to talk of reconstruction on the basis of a new Establishment. The necessary conditions are absent. If, on the contrary, the union between Church and State were in the meantime dissolved, and the Churches left to come to an unhampered understanding, there is nothing to hinder their seeing eye to eye. As to the outcry made against their disestablishment by those who are at present in the enjoyment of its advantages, on the ground that it would be sacrilege to meddle with them, it will be understood how little that feeling can be sympathized with by those who adopted in 1842 a Claim of *Right* to the privileges now possessed by others, and who think of the existing Church as established in law but not in equity. It has its present position because in 1843 the Court of Session gave that position to it—claiming the power to do so. We are not able to see the sacrilege which will be committed if the same authority takes the privilege away and bestows it elsewhere.

With regard to the endowments, it is not easy to see what it would be wise to do with them. There is something in the desire to preserve them for religious purposes, and if it is claimed that the real estate—the churches and manses and glebes—must be used in that way, we see no objection in principle to the endowments being employed in a similar manner. Perhaps the best suggestion which has been offered is to assign the teinds to the parishes which contribute them, and allow them, under certain restrictions, to be employed as the inhabitants think best.

There is one other subject to which attention must be given before we close: what is to be the relation of the Free Church to the other Presbyterian bodies in the country? With the fragments which remain of the Covenanters and Original Seceders, there should surely be little difficulty in finding by-and-by a solid basis of union. But serious obstacles have been raised to any amalgamation with the New Light Presbyterians, who have, most of them, got the length of believing that the State should never establish the Church. It is admitted on all hands that separation from them is an evil. We occupy the same ground, and so come in each other's way. And we miss the strength which we would get if our forces were combined. That they are doctrinally as sound as we are, and preach the same gospel, and have the same system of government, is not denied. The only thing that really bars the way to union is this unfortunate Voluntaryism, which is not made a term of communion, and which does not lead them to have low views of the civil magistrate, but

which hinders them from admitting that under certain ideal circumstances the State may endow the Church. We are among the number of those who reckon it a great mistake to make so much of this peculiarity. The contingency which would bring us into collision is so remote, that to sacrifice all the present advantages of amalgamation for its sake seems to us suicidal, and we hope the Church will soon be brought to see this. Meanwhile, we shall end by quoting some words spoken by Dr. Candlish, immediately after the Disruption, when the Moderator's Chair of the Assembly was surrounded by Nonconformists.

“My friends,” said he, “will bear me witness that I am the very last person who would stand on the rigid assertion of the mere theory of Establishment for the purpose of keeping up division or schism in the Church. So far from that, it appears to me that the distinct refusal of the states and kingdoms of this world to recognize the only principle on which we can consent to have the Church established, leaves to us a very great degree of practical liberty and a large measure of practical discretion as to the terms on which we should stand with other Churches. Is the division and schism of the Christian Church to be kept up by a question as to the duty of another party over whom we have no control?”

THE END.

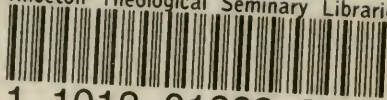








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